

VILLAGE OF ELLSWORTH

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EVIL RAVEN



TO THE R E A D E R.

NO one that has the tenderness and Charity of a Christian, or indeed the Bowels of a man, can think it a subject attended with any delight or satisfaction, to endeavour to expose the faults and tip up the miscarriages of any party of men, much less the Fellow Subjects, who as they are united in one common bond of Allegiance to their Prince, so one would think they should be joined together with the more obliging eye of love and kindness to one another: that Charity which our Religion has taught us, covers a multitude of sins, should make us willing to connive at and bury in silence those failings, which are the necessary consequences of flesh and blood, and constant companions of Human Nature.

But when the villanies and impieties of men are arrived to that perfection, as to outface the Sun and even exceed belief; When Religion shall be intrusted to their ambition and malice; When the extravagances of an intemperate, misguided and enthusiastical Zeal shall pass for inspirations of the spirit of God; When they are not content to sin alone, but begin to make parties and list themselves under distinct Banners to fight (as they blasphemously speak) for the cause of God and his Christ; No man that has any sense of so horrid a prophanation of Gods sacred name, and his Holy Religion, so open and bare-faced a contempt of all Order and Peace; no man that values the Quiet of his Country and the safety of himself, but must chuse himself under a very great obligation as far as in him lies, to bew the vanity and wickedness of such dangerous and destructive Principles that must necessarily in the end overthrow all Government and destroy all Human society: be it not but believe it his Duty to put a stop to such a growing evil; and if those miserable wretches the Professours of this impious doctrine, have their Hearts so hardened, and their Consciences so seared, that they have obstinately shut their ears against every thing that may contribute to their conviction, yet still it will be incumbent upon every good man, to step in betwixt the Dead and the living, and indearably to binder the contagion to spread any farther and corrupt the whole Mass, by shewing the groundless foundation and pernicious consequences of that damnable Doctrine, which to do, it is enough to relate the wicked Lives and unfortunate Ends of the chief Martyrs and Confessours thereof.

And as this was, I doubt not the main inducement to the Author (whatever he was) of the following Narrative why he published the first edition of it to the world; so this consideration has prevailed with me to present thee (Reader) with the second Impression of it, accompanied with very many, and those no small Additions of several particulars and circumstances, which the former wanted, and which I thought would not be altogether unfit for publick Notice; besides that I have added an Appendix wholly my own concerning the Proceedings against my Lord Halton Treasurer Depute, before the Lords of the Articles, which had so necessary a connexion with the Tryal of Mitchel, that I cannot well see how they could have been separated.

And yet these are the least part of these Additions, I intended to make to it, when I first put pen to paper, for the curiosity which the strangeness of the Doctrine and Practises of the Whigges had given me to inform my self, as far as my Interest and Diligence could carry me, concerning them and their Behaviour, furnished me, with a great many particulars worthy to be exposed to publick view, which made me have some thoughts of prefixing them before the ensuing Discourse; but I soon changed my purpose, when I found them swell to such a bulk that they would of themselves make an intire and just volume, for which reason I thought it more advisable to reserve them for a Discourse by it self to be published hereafter, than to make this swell

so much beyond proportion, judging it much more convenient for this to come out as it doth, without it.

But however in this place it will be convenient to let the Reader know in short what has happen'd since the first publishing of this Discourse; wherein you will find Mitchel executed for an execrable Attempt to murder that great and worthy Prelate the Arch-Bishop of St. Andrews; who (as the party had before threatned) was afterwards on the 3d. day of May 1679. offered up a breathing sacrifice to the Hellish fury and implacable malice of that faction, for which Mitchel had as they called him, been a Martyr. I shall not trouble my self to give an Account of the circumstances of that most barbarous Murder, since it is so faithfully done already to my hand in The Spirit of Popery, &c. Fol. 55, 56, &c. whither for your farther satisfaction I refer you.

As bloody, and hornd an attempt as this was, it was no more than what might rationally be expected from men who sin out of Conscience, and act the greatest villanies as so many Duties of Religion: But here they stop not; For it was not enough for these sacrilegious wretches of this Enthusiastical and Wicked Faction, shew to provoke the vengeance of Heaven and the Justice of the Nation, but they flew out into the last degree of Extravagance hurried on by the unbridled fury of a false and desperate Zeal, by breaking out upon the 29 of May 1679. into open Rebellion, still pretending to Religion and Divine Authority for their Commission.

And thus the Quiet and harmless People of the West, amongst whom Wicked Ministers at any rate intended to procure a Rebellion (as a worthy Friend of theirs was once pleas'd to say in a very honourable Assembly) fairly unmasked themselves to the shame and confusion of those who had not scrupled before publickly to patronize and defend them, and to the cleat justification of the Privy Council, and particularly of the Duke of Lauderdale against all those loud clamours, and complaints, which were made against him for the proceedings against the Western People mentioned in the 30. and 31. pages of the following Narrative, but most especially for tendering the Bond there mentioned to be taken by the Heirors; then it was represented as the most arbitrary, and tyrannical imposition that ever was, to bind Masters of families for their Wives, Children, and Servants, and Landlords for their Tenants and Cottagers, that they should not go to Conventicles. But how reasonable, and necessary it was to do so in that Kingdom, all men may see in that the wisdom of the nation in the late Parliament held under His Royal Highness, His Majesties High Commissioner, hath enacted it as the surest expedient for establishing the peace thereof.

Ravillac

Ravillac Redivivus:

BEING A

NARRATIVE

Of the Late

TRYAL

OF

M^r. James Mitchel, &c.

SIR,

I Received your Letter, wherein you charge me with *Unkindness* for having neglected to Write unto you for the last six Months; and you also tell *duſtion* me, you cannot imagine what hath made me so silent all this while, that others have ſent their Correspondents in *England* ſo many Letters of *Scotſh News*. But what you ſeem to make an *aggravation* of my fault, I muſt *reſort* upon you in my own *Defence*, and tell you plainly, that being a Person uncapable to write certainties in *State matters*; and too Honest to write *Lies*, I could not prevail with my ſelf to follow the ill Example of many of my *Countrymen*, of whom ſome maliciously wrote their own *Forgeries*, and ſome out of *weaknes* their *Jealousies* and *Fears*; and all pretending to understand not only what were, but what *would be* the intrigues of *Halſay-rod-Houſe*, filled their *News Letters* with their own *Invenſions* inſtead of *real Truth*.

The *Reports* which theſe *Inſtruments* of *mischief* ſent to *London*, rebounded as *The proceſſings in Scotland* quickly hither again, not without a great *improvement* from that *refleſh* and *ill-af-ſed* party of men among you, who out of their *inveterate* prejudice to the *Gover- nment*, make it their buſineſſ to miſ-repreſent the *King*, and the *ableſt* *Minifters* he is pleaſ'd to employ both in *this* and *your* *Kingdom*; and make no *Conſcience* of having recourse to *lies* and *ill-grounded Calumnies* to attain thoſe *pernicioſe* ends, as in this caſe they have moſt *notoriously* done: And truly, conſidering how *foolishly* ſome, and maliciously others of theſe *Stories* are contrived, I cannot but ſigh for the unhappi- nesſ of both my own and, *your Country*, where theſe *teymers* and *dispersers* of *false News*, like the *false Prophets* in *the Kingdom of Israel*, are a *griuous Plague*, and a *National Judgment* to *Church* and *State*.

Therefore let me prevail with you for the time to come, to give as little Credit to *The Author* the *flying Reports* which are ſent from *our Country* as I do to thoſe which are ſent from *yours*: And that we may both grow *wiſer* by other mens *folliſe*, and take ſurer mea- ſures in our future *Correſpondence*, give me leave to propoſe, that we Write nothing hereafter, but *matters of Fact*, and confine our ſelves to relate ſuch *Useful* and *wor- thy*

thy contingencies, as might become an *Historian of his own Age*. By observing this Rule, we shall keep our selves within the safe bounds of *Prudence* and *Duty*, and profit one another by our mutual *correspondence*, without abusing the *Credulity* of *Vulgar*, or injuring the *Ministers* of *Publick Affairs*.

The Tryal, &c. of James Mitchel, the Subject of the ensuing Discourse.

Wherefore that I may put my own *Advice* in practice, and be a good *Example* to my own Rule, the Subject of this *Letter* shall be a Faithful *Narrative* of the Tryal, *Condemnation*, and *Execution* of one of our *Presbyterian* *wretches*, who made an *Attempt* on the *Sacred Person* of the *Arch-Bishop* of *St. Andrews*, in the Month of *July*, 1668. The Story is very *comprehensive*, and will invite me to speak of many particular things and Persons, and it will be difficult for me to pass through it all without touching a little upon *Publick Affairs*; in doing of which, I shall endeavour to perform the part of a Faithful *Historian* in keeping to my Rule of writing nothing but *matter of Fact*.

And that may be with a greater cleareness, and for your better satisfaction, I bid to give you an Account of this execrable *Villain*, I think it not altogether inconvenient to premise something touching his *Person*, *Birth*, and *Education*; whereby we may be assisted to give some tolerable *Account* of the *inducements* which prevailed upon this *miserable wretch*, to endeavour to commit so *Barbarous* an *outrage* upon the Person of that *Venerable Prelate*, who had deserved no ill from him, and merited so great acknowledgments from all good men for the *Service* he had done his *King*, and his *Country*; but his *Character* it seems was a sufficient ground to excite and encourage this Son of *Belial*, and his fellow-Russians to thirst after his *Innocent Blood*.

The Description of his Person.

§. 2. **James Mitchel**, (for that is the Name of this *abominable wretch*) was a *lean*, *hollow-cheek'd* *man*, of a *truculent* countenance, and had the *air* of an *Aff'affine* as much as a *man* could have: He came with his *Periwig* powdered to the *Star*, and behaved himself there with as much *assurance*, as men devoted to do *mischiefe* by their *Principles* and *Complexion*, resolve before-hand always to do.

His Birth and Education.

As for his *Original*, 'tis so obscure, that the mean *Proletarian* *condition* of his *Parents* affords me no notice of his *Birth*. And as for his *Education*, after he had passed through the *Subsidiary* part of *Learning*, he was sent to the *Colledge* of *Edinburgh* in the time of the late *Ursupation*, where he made very small *Progress* in any part of *good literature*, but applied himself to the *Reading* of such silly *Fanatical* *books* as were fit for his *narrow capacity*, and *Enthusiastical temper*; so that the *acquired* or *artificial* part of *Fanaticism* (which *Whigs* call *Grace*) being added to his *Nature*, he might qualify himself for *Employment* and *Reputation*, especially amongst the *Remonstrator Presbyterians*, who were then the *Principal* part of the *Kirk*. This *Faction*, especially in the *West*, was advanced so far towards *Enthusiasm*, that they despised and suspected *men of sense*, and began to look upon it as a *fitting the Spirit* to spend any *study* or *time* in preparing themselves to *Preach*: The *People* especially were so possest with this *Opinion*, that if they came to know that their *Ministers* pre-conceived, much more *Perid* their *Sermons* in their *Studies*, they thought it a *sufficient* ground of *withdrawing* from them, as believing it *utterly impossible* to receive any *Spiritual benefit* from such *Carnal Sermons*, as were composed by the help of *Study and Books*.

His Study of Popular Divinity.

Among these *People* it was that *Mitchel* designed to *Preach* and *Teach*, and therefore after he was graduated *Master* (which is here at the end of *four years*) he applied himself to the *Study* of *Popular Divinity*, under Mr. *David Dickson*, a great *Apostle* of the *Solemn League and Covenant*, under whom he constituted his *Method* of *Reading* *Modern* *Protestant* *Pamphlets*, that he might be an *able Workman*, and compleatly furnished with all those *Cunning* and *affected Preach*, which discriminate a *Spiritual* from a *Carnal Preacher* among our *Presbyterians*, and are *Musick* and *Charms* to their *Enthusiastical Ears*. And that he might add the *practical* to the *Speculative* part of *Fanaticism*, and be perfectly *Master* of his *Trade*, he frequented those *Private Meetings*, where *Conferences*, *Prayers*, and *Sermons* were spoken in that *Discourse*, and where *Tone*, *Grimaces*, and *Gesticulations* are far more *powerful*, than all the *true Learning* and *Elquence* in the *World*.

Having *Atted* some time in these *Meetings* of *Enthusiasm*, he thought himself fit for any *Ecclesiastical Employment*, and therefore offered himself to be *tryed* by the *Presbytery*

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Presbytery of Dalkeith, who rejected him for *insufficiency*, as some yet alive can Rejected by the Presbytery of Dalkeith.

After this Repulse, he began to project some other way of *Living*, and was shortly after recommended to the *Laird of Dundas*, to be *Pedagogue* to his *Children*, and *Domestique Chaplain* for saying extemporary *Prayers*. He passed some time in his *Fair* ^{Received into the House of} *Dundas*, but ^{the Laird of} *expelled from thence for being too kind with the Gardiner's Wife.* *only for a gifted and very Holy Young Man*, till some of the Servants observed an extraordinary Familiarity betwixt him and the young *Woman* who was the *Old Gardiner's Wife*. Being possess with this *Suspicion*, they observed him the more; and one Night, as they were watching, they saw his *Mistress* going to his *Chamber*, which was a *Summer-House* Built on the *Garden-wall*; the *Key*, as it happened, was left on the out-side of the *Door*, which one of those that watched observing, gently locked the *Door* upon them, and immediately ran to call his *Master*, who came to the *Garden* to see what would be the *Event*. After they had been as long as they pleased together, at last *Hortensia* comes to go out, who, to her great *Confusion*, finding the *Door locked*, steps back to the *Adulterer*, who fearing that she should be taken with him, immediately let her down the *Garden Wall* by the help of his *Sbirt*, she hanging at one end, and he holding the other as *naked* as when he was *born*: His *Patron* all this while beheld him like a filthy *Priapus* upon the *Garden Wall*, and the next day in great *indignation* discharged him of his *Service* and *House*. I suppose, this is one of his *private and particular sins*, which you will find him hereafter Confessing in his *Speech*, deserved a worse *Death* than he endured.

Afterward he came to *Edinburgh*, where he lived some years in a *Widdows House*, His coming to *Edinburgh*. called *Mrs. Griffield Whitford*, who dwelt in the *Cow-Gate*, and with whom that *dishonour of Mankind*, *Major Weir*, of whom I shall hereafter give you an *Account*, was Boarded at the same time. By his *Conversation* it may be presumed that *Mitchel* improved much in the *Art of Hypocrisie*, and drunk in most deeply those *Murderous and Treasonable Principles*, which he afterwards practised in the *whole course of his Life*, and *justified* at his *Death*: Now began he to converse with the most *bigotted* ^{His Acquaintance with Major Weir, &c.} *Zelots* against *Authority*; to frequent and hold *Conventicles*, to Preach up the *Covenant*, and to the *utmost* of his Power to promote the *Scism* which was begun in the *Church*. By these *practices* he much endeared himself to his *Tutor*, *Major Weir*, who ^{His improvement in Hypocrisie and Enthusiasm; and is made Chaplain to the} recommended him for a *Chaplain* to a *Fanatical Family*, the *Lady* whereof was *Neice* ^{reft} *to Sir Arch. Johnston*, *Laird of Warriston*, one of the most *furious Rebels* against the *late Blessed King*, and *greatest compliers* with the *late Usurpation* in the *three Kingdoms*; and whom you may remember to have been *President* of the *Committee of Safety*; for all which *accumulated Treasons* he was *Executed* here in 1663.

During his abode in this *Family*, broke out the *Révolution of the *Ranachs** in 1666. He no sooner heard of it, but joyned with the *Rebels*, who were Defeated at *Pentland Hills*, thought *Mr. Welsh* (as it is reported) during the *Fight*, prayed with up-lifted hands to the *Lord of Hosts* against *Amolek*, (as the *unclean Spirit* within him moved him to mis-call the *Royal Forces*) and had his Hand stayed up by some of his *Brethren*, as *Moses* had his by *Aaron* and *Hast*. *Mr. Mitchel* had the *Fortune* to escape from the *Field*, but was afterwards Proclaimed *Traytor*, with many other *Principal Actors* in that *Rebellion*, and afterwards excepted by *Name* in His *Majesties* most *Gracious Proclamation of Pardon*, that he might receive no *Benefit* thereby. From this time he sculked about, and sheltered himself amongst the *Rebellious Saints* of the *Brotherhood*, till the *Devil* tempted him to *Affassine* the *Lord Primate*, for which he expiated by his *Blood*.

§. 3. And here, notwithstanding by my proposed Method, I ought to proceed to the *Narrative* of the *Barbarous attempt* this wretch made upon my *Lord Primate*; yet I hope you will pardon me, if I neglect that a while, to make a *small*, but very *use*: ^{A Digression touching the Ignorance of} *ful and pertinent digression*. Among others of his excellent *qualifications*, I have the *Whiggs*, told you what an *utter Ignoramus* he was; and I must here inform you further, that ^{which is the} *Welsch* and *Armott*, and all the rest of them are full as *illiterate* as he; and that *their* *insuperable Ignorance* in *Divine and Humanie Learning*, is the *Mother* of their *Murdering Zeal*. Indeed all the *late Troubles* upon the account of *Episcopacy*, are chiefly to be ascribed to the *hateful Ignorance* of *Protestant Divines* in *Ecclesiastical Antiquity*, who looking no further back into the *History of Religion*, than the time of the

the Reformation, and some of them not so far, did either hate Episcopacy as an usurpation; or else looked upon it as a mere Humane Constitution, and so could not have that particular Veneration for it, that was due to an Apostolical Ordinance, so visibly founded in the Scriptures, and which was the sole invariable Government of Gods Universal Church for above 1500 years.

Mr. Henderson Of this that Excellent man, Mr. Henderson, was a deplorable Example; who, and Mr. Calvin though he was a Man of great temper and prudence, and very Learned in his way, Examples of yet want of Antiquity, of which he was so ignorant, was the unhappy cause why the misfortune of the want of skill in Anti-
quity in the Modern Di-
vines.

he engaged for the Covenant against the King and the Church: Had he spent but half so many hours in that, as he did in the study of other things, he had never moved so eccentrically to the Church, nor done those things for which he expiated with tears before his late Blessed Majesty at Newcastle; afterwards spending the short remainder of his Life in a sorrowful, Penitential Retirement, for which he grew suspected of his Brethren of the Covenant, who called him Apostate from the Cause. There are many Persons yet alive who can testify this to be true; which may teach all Divines how dangerous it is for them to Live in Ignorance of Ecclesiastical Antiquity, which is so easily acquired, and so useful to be known. That comprehensive Genius, Mr. Calvin, wanted nothing but this to make him as Orthodox and Consummate Divine as ever was in the Church of God. For had he been but half as well versed in the more Primitive Ecclesiastical Writers, as he was in St. Augustine, he had never coined

(*) In Defens. lib. de officio pii viri. the Notion of a Lay-Elder, Detended the Horrible Decree, or been exposed for so many gross Absurdities by the Excellent Pen of the Pious and Meek Cassander. (*)

But to conclude this Digression with Mr. Henderson, there were very few among our Covenanting Ministers comparable to him for Prudence and Learning; yet even the Lowermost Form of our former Presbyterians were great Men in comparison to these, of the Remonstrator Faction, who are all Burning Zeal, but no Knowledge, as you will perceive not only by the sequel of this Story, but this Letter of an Ignorant Minister that lately Revolted from our Church.

SIR,

The Letter of an Ignorant Minister, that Revolted from the Church. I Received your Letter of the 15th. of July, wherein you say, That on the first Wednesday of August, you are to have a Presbytery (you ought to have termed it a Meeting of the Exercise) and on the second Wednesday of August, a Provincial meeting with your Bishop of Rothesay; and once for all I desire you may take this for an absolute Answer. First, That God hath of a long time been dealing with my Conscience, but especially since October last, when I was called to Murl for Electing Mr. Andrew Wood Bishop (I confess his want of the Irish Language did stick with me, besides many other things as well now as before, about the Election of Mr. James Ramsey, and all of you, save one, did then profess, that they did stick with you also, though now you have swallowed down that Pill with many more) and that in such an Extraordinary dreadful, and terrible manner, for my engaging to Prelacy, and a Lordly Government over the Church of Christ (contrary to which there lie so many ties, and obligations on this Land) that with the Grace of God I would not adventure to shun the terror of the Lord for all the stipends and preferments in Europe. And truly the worst I wish to you, or any Prelate in Britain or Ireland, or their adherents in, that they may have as found a yoking with their Consciences, as I have had, if they be not incorrigible Enemies of Christ. Next, upon serious search of the Word of God, and of Antiquity, I am the more confirm'd in my Resolution. Blondellus, Salmatius, Germon, Bucer, yea the whole current of Primitive Fathers, especially Smeectymnus, have vindicated Presbytery against the whole World. I want not many more solid Reasons to add, only I suppose You could never be satisfied in them, and therefore I forbear.

To conclude, I do here before God, and the whole World profess my disowning of Lordly Prelacy, as it is now Established in our Land, which I was once most fully engag'd into, and my firm and resolute adherence to the Doctrine, Worship, Discipline, and Government of the Church of Scotland, as it was professed in this Nation, from the year of our Lord 205. and downward for the space of 230 years, and then since the year 1580. till the year 1610. and then from the year 1638. till the year 1661.

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1661. and from thence down-wards by many Godly in these three Lands, till this very day is; and more particularly to the point, that Government of Christ's Church by an equality, and parity of Pastors, and Ministers, all of them with one shoulder carrying on the work of the Lord, and exercising the Keys of Order, and Jurisdiction, Doctrine and Discipline in Communi, according to due Order, and feeding the flock of God, not as being Lords of Gods Heritage, but ensamples to the flock: Yea, I do here (with all the Lords faithful Servants and Witnesses in these three Lands, both in the present, and some former Generations, and with all the Lords Witnessing, and Suffering Servants and People, that have been, or now are in this Land, or present Generation) confess and bear my Witness, and Testimony, to the cause of God, and work of Reformation so much as was attained thereof, how afflicted, and born down now soever, and to the Confessions of Faith of the Church of Scotland, and of the three Kingdoms, and to the rational, and trinational Covenant, and that I do rather choose to suffer affliction with the poor suffering people of God, than to enjoy the pleasures of Sin for a season, esteeming the reproaches for Christ greater riches than all the pleasures, and preferments in the World. I desire you with your Brethren to consider those Scriptures, and take them home to you: Isa. 66. 5. Zechariy 11. 5. John 16. 2, 3. John 9. 1. 10. Remember, your worthy Bedfellow, that is this day I hope in glory, shall bear Witness against you. Farewell for ever Lordly Prelacy, for I had never a joyful hour since I engaged therein; and welcome, welcome my dear Lord Jesus Christ, I embrace thee with the arms of my Soul, and thy Cross. I profess this, confess thee bearing my Testimony to thee, and thy persecuted Truth, and by thy blood, and the word of thy Testimony, and not loving my life unto the death, I hope to overcome.

Cambre-Ile, Au-
gust 6. 1677.

Sic subscrbit, Alex. Symer, Minister of
the Gospel at Cambre.

Unless you are versed in our Historian Buchanan, you will wonder, why this Learned Buchanan's mi-
Antiquarian should assert, that the Government of our Church was Presbyterian from the stake in Asser-
t first plantation of the Gospel in 205, or rather 203. till the arrival of Palladius in the Go-
the middle of the fifth Century. You must know therefore that all the Authority verntment of
our Presbyterians have for this assertion, is from Buchanan, that furious Enemy of
Bishops, who in the fifth Book of his History, writes, that the Church, in the afore-
said time, was not Governed by Bishops, but by the Monks or Culdees; which, were
it true, as it is false, would prove that the Government of the Church in that interval first
was not Presbyterian, but perfectly Laical, seeing it was long after that time that Monks
were admitted among the Clergy, and permitted to meddle with Church-affairs. But
you may find a larger Confutation of this groundless Assertion of Buchanan in Arch-
Bishop Spotswood's History, in the seven first pages of the first Book.

§. 4. But now to proceed to the continuation of my Account of Mr. Mitchel. I have already told you how he sculked about, because of his being engaged in the Rebellion, in 1666. during which time, he took up the Resolution of Assassinating the Lord Primate, and languished away for want of an Opportunity to put his inhumane Design in execution. At last, having observed that the Lord Arch-Bishop used always to go about this Town in his Coach, he determined to Pistol him in it; and accordingly on Saturday the ninth day of July, 1668. discharged a Pistol loaden with three Bullets at him, which were intercepted by the Arm of the Reverend Father in God, the Lord Bishop of Orkney, who at the same instant was getting into his Grace's Coach: As soon as he had shot, he walked fast away, and as he crossed the Street, the Primate got a view of his Face. He was not immediately pursued, which gave him Opportunity to escape into the House of one Ferguson, an ejected Minister; which being in an obscure place of the Town, he had prepared for a Retreat, in case he could get safe thither.

There having Disguised himself, by putting on a Periwig, and changing his Cloaths, he immediately went into the Street again, and made as great a bustle as any

in the throng to find out the *Assassine*, who had shot at the *Primate*, and, as he hoped, had killed him in his *Coach*. He was known by none in the *crowd*, but by three of his *Confederates*, who had come to *Town* on purpose to *assist* him in his *Bloody Design*.

Their *Designations* or *Titles* were, *Barbado*, *Mandroget*, and *Major Lermontb*, who had been *Ringleaders* in the *Rebellion of Pentland-Hills*. The *Assassine* joyn'd himself with these three; and after a *Consultation* what they should do for their further *Security*, they unanimously Resolved to retire into the *Garden of Sir Archibald Primrose*, the now *Justice General*, or, to speak in your *Phrase*, the *Lord Chief Justice*, who had for many years the *misfortune* to be esteemed a *favourer* and *encourager* of the *Fanatical Faction*; though it be hard to imagine how a *man* that hath gotten so *great* an *Estate* by the King's *Royal Bounty*, should have so much *favour* for the *worst* of his *Subjects*, unless he hath lost all *sense* of *Gratitudo* and *Honour*.

Certain it is, that there are such *Monsters* of *Disloyalty* and *Ingratitude* in the *World*; and as certain it is, (though he be not one of them) that the *Credit* he hath with that *Party* encouraged this *Murival of Rebels and Murderers* to shelter themselves the *following Night*, within his *Precinct*, rather than any other *mans* in this *Populous Town*. But the *Morning* approaching, they thought it *safet* to quit the *Town*; and the other three conducting Mr. *James Mitchel*, he made a *final escape* by *their assistance*, and was never after seen in this *Country*, till the latter end of 1673.

He makes a final escape into Holland, &c.

In this *Interval* betwixt July, 68, and the latter end of 73, he had Rambled through *Holland*, *England*, and *Ireland*, from whence he returned to his *Country*, Resolv'd (as it seems) to *Assassine* the *Primate* again. Not long after his *return* he Married, and Repaired with his *Wife* to *Edenburgh*, presuming that after more than *five years absence*, he might *Live incognito* here; at least so long, till he could find the *Bloody Design* an *Opportunity to execute* his *Bloody Design*. In Order to which, he hired a *Shop* within a *Door* or two of the *Primate's Lodgings*, where his *Wife* pretended to sell *Tobacco*, and such like things.

§. 5. But he had not long frequented *there*, before he was Discovered and Apprehended upon *Suspicion*; and when he was taken, (which was on the same *day* of the *Week*, and in the same *place* where he had stood to commit the *Fat*) there were two *Pistols* found about him, in size and shape like that which the *Primate* saw him hold in his *Hand*, immediately after he had shot at his *Grace*; and upon search, they were also found to be charg'd with three *Bullets* each. Being Apprehended by Sir *William Sharp*, he was immediately brought to his *Brother* the *Primate's Lodgings*; and though a great *crowd* had press'd in after him, yet his *Grace* knew him at first *sight* from all the rest (such a deep *impression* the transient view he got of him after the *shot*, had made upon him) and going up to him, without any *hesitation*, he said unto him, *You, Sir, are the Man*; upon which the *wretch* trembled and grew pale.

Not long after, he was conven'd before the *Privy Council*, and the *Duke of Lauderdale*, His Majesties *High Commissioner*, then sitting in *Council*; but he would confess nothing before them, which made the *Right Honourable Board Depute a Committee* for his further *Examination*; before which he freely Confessed the *Fat*, and before the *Privy Council* Signed his *Confession* before the King's *High Commissioner* sitting in *Council*, which the *Lord Halton*, the *Treasurer Deputy*; the *Earl of Rothes*, *Lord Chancellor*; and some other of the *Council*, Subscribed as *Witnesses*; and this *Paper* was brought at his *Tryal* against him as a *Judicial Confession* of his *Crime*.

After this *Examination* of him before His Majesties *High Commissioner* sitting in *Council* (which happened in *February*, 1674) he was put upon his *Tryal* in the *Criminal Court*. But after his *Libel*, which your *Law* calls the *Indictment*, was Read, retracting his he denied it, and retracted his *Confession*, which he had freely made, without any former Confession of *Pardon*, before the *High Commissioner*, and the *Council*; upon which, Sir *John Nisbet*, His Majesties *Advocate* (who, notwithstanding his fair *pretensions* to let *refuses* to prosecute him, either *loves* or *fears* the *Fanatical Faction* too much) seemed very much surpriz'd, and desisted immediately from his *Prosecution*, desiring the *Judges* to *Adjourne* the *Court*; and from that *time* would never pursue the *Murderous Villain* again, and although he was obliged by his *Office* to do it, as well as by the *Arch-Bishop*, who in *causa sanguinis*, would not pursue him *himself*. The *Judges* also at that *time* had

no great *stomach* to sit upon the *Tryal* of this *Bloody Saint*; so that the *Privy Council* were forced to send him *Prisoner* to the *Ass's* (a Rock in the *Forth*, where I wish all his *Brethren* were) where he continued till the latter end of last *December*, when the *Privy Council* sent for him to be *Tryed* again.

Abour this time it was *rumoured* in the *Town* and *Country*, that the *Whiggs* (for we call *Fanaticks*) Design'd to take off both the *Arch-Bishops*, and some other *Bishops*, by *Assassination*; and likewise vehement *Suspicions* and *Presumptions* were found, that they had the like *Designs* on other *Eminent Persons* who were most concern'd, and resolv'd to see them reduc'd to *Order* and *Obedience*. And therefore the *Council* thought it expedient to prevent such *Barbarous Attempts*, and secure the *Lives* of His Majesties *Faithful Ministers*, to bring Mr. *Mitchel* to *Publick Justice*, that the *Remonstrator Presbyterians* of our *Country* might see what their *Clemens* and *Ravages* were to expect.

S. 6. Since the *Duke of Lauderdale* came last hither, Sir *John Nubes* resign'd his *Charge*, and His Majesty put Sir *George Mackenzey*, a *Learned* and *Worthy Gentleman* into his *Place*; who in *Obedience* to the *Order* of the *Privy Council*, pursued this *Com-Advocate*, and *mon Enemy of Mankind*, with a *Courage* and *Zeal*, that became such a *Gallant Man*; and a *good Christian*; although he fore-saw he must for ever *disoblige* that *implacable party* which hath sworn to extirpate *Episcopacy* here.

You may easily judge with what *Deliberation* and *Caution* this *Miscreants Proces* was made, seeing his *Tryal* was dependant four days; for he was *Arraign'd* on Monday the seventh of *January*, in the Morning, and received not *Sentence* till the following *Thursday* at Two in the Afternoon.

As the *Privy Council* were very *Just*, so they were exceeding *Merciful* to this *inhumane Man*; for at the instance of His Majesties *Advocate*, they Commanded Sir *George Lockhart* one of the best *Lawyers* of this *Nation* to be of his *Council*; and had he been the greatest *Subject* of the *three Kingdoms*, his *Cause* could not have been more *frenuously* *Defended*, nor his *Proces* made with more *care*, than it was by this *Worthy Gentleman* and Mr. *John Elie*, who was likewise appointed to be his *Advocate*.

The first day of the *Tryal* was spent in *Reading* the *Libel*, and discussing some *pre-
paratory* *doubts* necessary to be determined by an *Interlocutory Sentence* before the *of the Libel ex-
Aifize* (which you call the *Jury*), could be *impannelled*, and the *Witnesses* *sworn*. *Him* *husted* *against* *him*.
The *Indictment* set forth, how that the *Pannel* (for so we call the *Prisoner* at the *Bar*.) notwithstanding that by the *Law of Nature and Nations*, and the *Laws and Statutes* of this *Realm*, *Murder*, and *Assaulting*, and *Attempting* upon any *Person*, by way of *fore-thought Felony*, *per insidias & industrias*, of *purpose* and *delign to kill*, are most *atrocious* and *detestable Crimes*, especially when committed against *Persons in Authority* or of the *Sacred Function*; and particularly, it being *Statute* by the 4. *Act. 16. Parl. Jac. 6.* That *whatsoever Person* *inbadet* or *pushes* any of the *Lords of Session*, *Secret Council*, or any of His Majesties *Officers* for doing of His Majesties *Service*, shall be *Punished* with *Death*. And by the seventh *Act. 1. Parl. Car. 1. 1633.* it is *Statute*, That *whatsoever Person* shall be guilty of *Assaulting* the *Lives* of *Ministers*, that they shall be *Punished* with the *pain of Death*, and *Confiscation* of their *Modeables*. And by the *Laws and Acts of Parliament* of this *Kingdom*, the *Mutilation* or *Dismemboration* of any of His Majesties *Subjects* by way of *fore-thought felony*, is an *High and Capital Offense*, and *Punished* with the *pain of Death*. Yet nevertheless the said *Pannel*, having shaken off all *fear of God*, &c. and having contracted a *deadly Hatred* and *Malice* against, did most *Cruelly* and *Felonyously* *Assault* *James, Arch-Bishop of St. Andrews*, and *Wounded* in the *Arm*, *Andrew, Bishop of Orkney* (wherof he *Languishing*, afterward *died*) (as is before at large related) and after several *aggravations* of the *Crime*, concludes from the *Premisses* that the *Pannel* (to use the very words of the *Libel*) "was guilty of the *atrocious Crimes of Murder and Assassination*, by way of *fore-thought felony*, and was a *Percussor and Sicarius*; and of *Mutilation*, and of the other *Crimes* above mentioned; and

and was *art* and *part* of the *same*, and of one or other of the said *Crimes*; and therefore the said *pains* ought to be inflicted upon him, as a *Murderer* and *Assassin*, and as guilty of the *Crimes* *foresaid*, in an *exemplary* manner, to the *terror* of others to commit the like hereafter.

Then, after a *Warrant* produced to Order Sir George Mackenzy to be *Pursuer* for the *King*, and an *Act* of the *Privy Council*, impowring Sir George Lockhart and Mr. John Eleis to be *Advocates* to the *Pannel*, and both *Parties* having allowed the *Justice General* to be *Judge*, notwithstanding he was cited by both the *Pursuer* and *Defender* as a *Witness*; then Mr. James Mitchel the *Pannel*, denied the *Distay* (which you call the *Indictment*) and any pretended *Confession* emitted by him, that is, in your *Law Praise*, *Pleaded, Not Guilty*.

He Pleads, Not Guilty.
Mr. Eleis his Argument for the Prisoner.

Whereupon Mr. Eleis for the *Pannel* alledged, 'That he cannot pass to the knowledge of an *Assize*, because the conclusion of the *Libel*, (viz.) That the *Pannel* was guilty of *Murder*, could not be infer'd from any thing mentioned in the said *Libel*; because, 1. It sets forth only a *nudus conatus*, & *affactus sine effectu*, which except in some notorious *Crimes*, as *Treason*, &c. is not punishable with *Death*, and consequently, because punishments are proportioned to *Crimes*, cannot amount to *Murder*, for which he cited several *Authorities* from the *Doctors of the Civil Law*; and that our *Law* defin'd *Murder* to be *interfectio per feloniam*, which in his *case* was not pretended. 2. Whereas he was accused of *Assassination*; though it were allowed to be a *Crime* in our *Law*, which yet he *utterly* denied; yet because it is not set forth to be done for *bire*, which is an *Essential* to that *Crime*, he cannot be concluded guilty of that *Crime*, nor consequently upon that account, of *Murder*. 3. Forasmuch as he is Indicted upon the *Act* of *Parliament* for *dismemberation*, and it is only shewed he was guilty of *Mutilation*, he cannot be concluded within that *Act*, which makes *Dismemberation* only punishable as *Murder*; and though *Mutilation* was intended within that *Act*, yet the *Libel* did not infer the *Pannel* to be guilty; for it neither shewed the *Fact* to be of *fore-thought Felony*, nor that he was pursued by the *Party Mutilated*; both which are expressly required by that *Act*: Besides 'tis probable the *Act* it self is *ex parte*, for it does not appear that any has been Punished upon it: And further, though it be insinuated, that the *Bishop* languished of that *Wound* till *Death*, yet because it is not *Libelled* that the *Wound* was *sud natural* *lethal*, he cannot be concluded within the *guilt of Murder*. 4. Whereas he was Indicted upon the *Act* of *Parliament* anent *Inrading* of *Privy Councillours*; yet it not being *Libelled*, that the *cause* of the *Invasion* of the *Arch-Bishop* was upon the *Account* that he was in *Prosecution* of His Majesties *Service*, which required by the *Act*, he could not fall within the *compas* of it. 5. Whereas he was Accused upon the *Act* anent *Inrading Ministers*; though the *Libel* were true, yet it did not prove him guilty of *Murder*; the *Punishment* inflicted by that *Act* being *only Confiscation of Moveables*.

In the next place, he endeavoured to shew the *Libel* was defective, forasmuch as it seem'd to be founded upon a *Confession*, which could not be made use of as a *sole* or *conjunct* *probation* against the *Pannel* for these *Reasons* following. 1. Because it was *extrajudicial*, in regard it was not made in *presence* of the *Assize*, who are *Judges* of the *Probation*, but contrary to the 90 *Act*. 2. *Parl. Jac.* 2. Because it was drawn from him *spe venie*, & *immunitatis*, for *Proof* whereof the *Pannel* did repeat his *excusation*, and prayed that the *Witnesses* might be *Examined* thereto. 3. Because the *Confession* was taken upon *Oath*, which being in *material criminalis & Capitali*, in which *Oaths* cannot be taken, the *Law* renders the *Confession void* and *invalid*.

This Learned Gentleman having thus concluded his *Argument*; My Lord *Advocate*, in Answer thereto, made his *Reply* to this effect, 'That *nudus conatus*, though nothing follow, both by *Act of Parliament* and *Common Law*, is sufficient to infer the *pain of Death*, and consequently to maintain the *Libel*: And, 1. He instanced the 4th *Act*. 16. *Parl. Jac.* 6. by which *nudus conatus*, attempting and invading a *Privy Counsellour* is Punishable with *Death*; and that the *Pannel* did attempt the *Arch-Bishop* and a *Counsellour*, and that that Attempt, *devenit ad Actum proximum* in past *Dispute*. And whereas it was said, that it must be *proved* that it was for doing His Majesties *Service*. He Answers, That that must needs be *presumed* where the *Party* was a *Stranger*, and could have no *Quarrel* with him but for doing his *Duty*; for the Design of the *Attempter* being a *Secret Act* of the *Mind*, it cannot be proved other-

The Lord Advocate's Reply upon the foregoing Argument.

otherwise than by the *simple attempt*; it therefore lay'd on the part of the *Pannel*, to shew that it was for some other Reason; and if it should be otherwise, this *Act* would be altogether *useless*, because that could not be a *Protection* for *Privy Counsellors*, which is only granted to them under a *qualification* which is impossible to be proved: And urged it as an *Instance*, that if the *Brother* of the *Pannel* should attempt to kill the *Judge* or *King's Advocate* after a *Process*, no Body would say, it was necessary to prove the *Design* otherwise than by the *natural contingency*, which as obvious would arise from the *circumstances* of the *perpetration*. And that besides, the *Case* of *Mitchel* was stronger, for over and above the *presumption* of the *Law* above-said, 1. *Mr. Mitchel* was a Person who could pretend no *private grudge* betwixt the *Arch-Bishop* and *him*, they being *most strangers*. 2. He owned himself to be of a *Profession* that hates the *Hierarchy*, of which the *Bishop* was *one*. 3. It can be proved that he *Defended* himself, and said, it was *Lawful* to kill such. 4. That it was *distinctly* and *specifically* offered to be proved, that he acknowledged the *reason* why he shot at the *Lord Primate*, was, because he did *Prosecute* the *Rebels of Pentland-Hills*. Nor, added the *Lord Advocate* further, can the *Act's* of the *Mind* be proved by any other *Arguments* and *Circumstances* than these. Then he instanced the *Act's* anent *Invoicing Ministers*, which appoints that *crimes* should be punished with all *Rigour*, and what that *Rigour* was, the last *Act* of this *King* sufficiently declares; which though it be *posterior* to the *crime*, yet it being a *Declarative Law*, does not add a new *Punishment*, but determines what was *doubtful* before, and only *ascertains* what punishment was due by the former *Law*, but was not so clear as not to be capable of *Controversie*.

And whereas it was said in favour of the *Pannel*, that *Affassination* was a *crime* unknown to our *Law*; and if it were not, that taking of *money* was an *essential* quality to infer a man guilty of it. He Answered, 1. That if a *constant* lying in *wait* with a *Design* to kill *clandestinely & per infidem*, any man without any *provocation* before given, were not raised to a degree of *detestation* above *Murder*, our *Nation* ought to be accounted *more Barbarous* than the *Laplanders* or *Tartars*, because in such a *case* as this, we can plead no *excuse* from the *frailty* of *Nature*, or the *headiness* of *Passion*, but on the contrary, the *Common-wealth* could never be *secure* so long as such a *Viper* was suffered to *live*, who wanted nothing but *Opportunity* to kill all *Mankind*. 2. That the *speciality* of taking *Money* was not *Necessary*, that being *only Demonstrative*, and not *Restrictive*; besides that, the *crime* was less *excusable* in the *Pannel*, because he did it without that *Temptation*, which might in *some* measure have palliated the *atrocity* of it.

And whereas it was alledged, that the *Pannel* did *Confess* upon *Pardon*, and for that *Reason* ought not to have suffered the *Severity* of the *Law*. He Replyed, That that *Plea* could avail him *nothing*, because, 1. He did not *expressly petition* that his *Confession* should not *Operate* against him, or at least, if he did, it lay upon him to prove it. 2. Because the *Promise* of *Life* from a *Judge*, who is not *empowered* to grant the *same*, is not of any *force*; for if it were, every *Judge* might make himself a *King*, and grant *Remissions* at his *Pleasure*; and though the *Law* be very *tender* of the *Life* of a *Man*, and lest he should be *trepand*'d out of it by a *Judge* who may *terrifie* him, or *threaten* him, or use any other *illegal* way to force from him a *Confession*, in *prejudice* to *himself* or his *Friends*, has provided, that such a *Confession* so extorted, should not be *valid*; Yet in this *case* the *Pannel* could not pretend to any *Benefit* by it, because he was not only highly suspected, and had both before and after the time of his *Confession*, publicly owned the *Fact*, and endeavoured to *Justifie* it; but because no manner of *threatening* or *compulsion* was used to make him *Confess*: And therefore the *Protestation* denying the *Libel*, could not be *sustained*, it being evidently *contraria facto*, and consequently his *Confession* ought to remain in full *force* against him, unless he could prove his *Innocence*, and shew the *Reason* of his *Error*, by alledging that he was *alibi*, or that there was *severe threatening* or *torture* used, whereby he might excuse his *Retraction*; which if he could not do, the *Law* would consider him, the *Party confessing*, still *Guilty*; and so never *scuse* him, especially since the *matter of Fact* was so easily *provable* upon him from the many *Circumstances* that attended it; so that he, according to *Clarke*, as *Res indicis gravatus erat morte plectendus*.

As to what was Objected against the *Confession*, as *Extrajudicial*, it was Answered,

That to lay any stress upon that Argument, was only *ludens in terminis*, to turn the Law, which was Founded upon Reason, into mere terms of Art, because, 1. There can be no sort of Probation so certain as that of Confession, since Witnesses may be corrupted by Money, and biased by Malice in prejudice of a Man; when it cannot be presumed, that a Man would wrongfully Accuse himself upon serious and mature deliberation. And, 2. Because the Notion of Extrajudicial was mistaken and misapplied; for the rise of that Maxim, that Extrajudicial Confessions are not valid, was only to exclude Probation upon Confessions emitted where there was no Judge, nor no design of Enquiry; as when a Man rashly, and at an adventure owns a Fact, of which he might not be Guilty, either out of Ostentation, or to please the Company, or out of Aderainment; but that *is* not designed to reach those Confessions which were *Solemly and Deliberately* made before those that have Authority to Examine.

Besides, it was further urged, that this Confession was *Judicial*, hence it was taken by the Authority of the Privy Council, the Supreme Judiciary of the Nation, in which the Civil and Justice Court are as it were comprehended; and the King being presumed to be there present, that it was absurd to think a Confession there made should not be binding. 3. Because that Principle in Law, that *Confessio etiam Judicialis incompetens*, does not hold, is only where *Judex est incompetens ius ad inquisi- sitionem quam ad accusationem*, which could not be pretended in this Case, because the Judge before whom this Confession was emitted, was the ordinary Judge of Inquisition and Tryal in Criminal Causes. And 3. Because the Confession was made in the Presence of His Majesties Privy Council and the Lord High Commissioner, in whom all the *Judicatories* of the Kingdom do eminently reside, and who might have sent the Pannel to the Scold, without any *Affize*, seeing in *confitemit nulla sentit party* *Judicis*.

And though a Man might in favour be allowed to retract a Confession rashly and inconsiderately made, and where the Error appears upon Proof; yet without this, it was never granted to an obstinate Pannel, who does not *deterre a error*; for, by the Doctors, the Guilt is rather *heightened* by an impudent Lie, than lessened by the Retraction. And besides, here is not only a bare Confession, but other collateral Circumstances, which maketh it *verisimile*, such as Persons, who saw him *was a*, and his *owning* of the Principle which induced him to do the Fact. So that he is to far from giving a Reason why he should retract, that his Confession is rather *back'd* and made *stronger* with all these concurring Circumstances of Truth. And as to the Objection Founded upon the *Affiz of Parliament*: That, Probation must be made in the presence of the *Affize*; it was Answered, That that *Affiz* was mistaken, seeing the intent of it was only to *Correct* a Barbarous Custom, that allowed Accusers to produce what *Writings* and *Witnesses* they pleased for the Probation of the Crime, whereby to preclude the Pannel of what he could say against the same: Nor was it ever pretended from that *Affiz of Parliament*, that no Paper whatsoever should be sufficient but what was owned by the Pannel in presence of the *Affize*; for Letters under the Pannel's Hand are daily produced, and though he deny the Subscription, yet it will be sufficient to prove by *Witnesses*, or comparison of Letters, that he did *Subscribe*. Nor does that *Affiz of Parliament* conclude, That Confessions before the Lords of the *Sesfion*, in matters of *Falshood and Detain*, may not be *probative*; nor Confessions taken before the *Judices*, though no *Affize* be present, though neither can the *Judices* *Condemn* without an *Affize*; nor does that *Affiz of Parliament* prove more against that case than this, as is manifest from the Case of one *Gibson*, who suffered *Death* upon a Confession made in the *Tolbooth*. And further, he urged, that since *presumptions* were a sufficient *Foundation* for a *Criminal Sentence*, as is daily seen, he could see no Reason why a Man's Confession emitted *seriously* in *cold blood* should not be so too, since that is more than *presumptive*: And as there could be nothing more dangerous to the *Common Wealth*, than that *Crimes* should be thus rendered *uncer- able*; so there could be no *hazard* to the *People*, on the other hand, when they are made their *own Judges*, and shall be allowed to prove *Error*, *Force*, or *Mistake*; and this Probation had been in all *Agés* and *Nations* uncontrovected, as *David* command- ed the *Person* to be slain, who said, he had *killed Saul*, upon his *own Confession*, without any further *enquiry*, giving this as an *unquestionable* Reason, That he had *Con- demned himself out of his own mouth*. And though Confessions were not allowed in other cases, yet in this, where the *Crime* was so *atrocious*, and the *Discovery* so *diffi- cult*,

culs, the Law would remit somewhat of its ordinary rigour in exacting *clear proof*, as we see it doth in *Criminalibus domesticis*. And indeed, if Confessions were not allowed of in such Cases as this, when the *bitter* of the newly committed *Crimes* *shew* their *bitter*, and extort *acknowledgment*, it would be in vain to expect so far as they have *lain* among a company of *burdened Malfactors*, their *Crimes* being *grown* *callous*, and *acquainted* with the *Idea* of the *Crime*, and thereby having *learnt* the *Art of Retraction*; so that thereby we should be deprived of the *strongest Proof* of a *Criminal's Guilt*.

Then my Lord Advocate declared, That he did not at this time insist upon the *Bills* *concerning* with *Rebels*. And since *slitting* at a *Bishop* or *Minister* is not declared *Capital*, before the late *Act* of *Parl.* 1670, he insisted upon the *same* for an *arbitrary Punishment*. And insisted upon *Mutilation* as *Capital*, upon the *45th* against *Dismemberment*, which is *reddere membrum inutile*; and a *Man* is *so much Dismembered* that has an *useless Hand*, as he that has *no Hand*. And insisted upon the *28th* *Act*. *3. Parl.* *16. 4.* whereby *Slaughter* and *Mutilation* upon *fores* *before* *Felony*, are *equivalent*, and both *Punishable* with *Death*.

To this, Sir *George Lockhart* for the *Pannel* rejoyned, That the *Libel* was in *way* Sir *Geo. Lock-*
sufficient, as Founded upon the *4. Act. 16 Parl. 4. Jas. 1.* and, That the *Defence* was no *here's Rejoyn-*
way swaded by the *Reply*. For he said, There was an *express provision* and *Condi-*
tion in the *Statuary part* of that *Act*. That it shall be proved, That the *Counsellors*,
Soldiers, and *Officers* were *pursued* and *invaded* for *doing* of *His Majesties Service*,
for which there was *great Reason*, since this *Act* was *introductory* of a *new Law*, *viz.*
That *Malitia Conclusa* and *attenation*, which before was only in *Treason*, should be re-
puted *crimes coniugatum* in case of *Invasion* of any of *His Majesties Officers*. But
this *necessary* and *intrinsic* qualification was not so much *memorized* in the *Libel*, or
offered to be proved.

And, That this could not be *presumed* from the *circumstances* and *manner* of *com-*
mitting the *Fall*; he said, that the discharging *His Majesties Service* was not a *De-*
sign or *secret purpose*, but a *Matter of Fact*, which consisted in an *extrinsic Action*,
which might *easily* be *proved*, and does often *occur*, as where the *Magistrate* is in
actual Execution of *His Majesties Authority*. Nor ought the *Pannel* to prove that it
was done upon *some private Quarrel*, for that is *contrary* to the *express words* of the
Act, which ordains, that it must be proved that the *Invasion* was for *doing* *His Majes-*
ties Service: So that the *Proof* lies on *His Majesties Advocate's side*, and not the
Pannels.

As to what was alledged against the *Pannel*, that he gloried in the *Fall*, and per-
suaded others that it was *Lawful*: He said, That was no *Qualification*, which the
Act requires; and however that may aggravate the *Crime*, to induce a *greater Arbi-*
trary punishment, it could not infer the *pain of Death*, *Ordained* by that *Act*.

Then he proceeded to shew, that the *Libel* was not *sufficient*, as Founded upon
the *Common Law* for *Assassination*: For supposing the *Pannel* *Guilty* of that which
the *Civil Law* calls *Assassination*, yet he should never incur the *Penalty of Death*:
For by the *Laws* of this *Kingdom*, and *Acts of Parliament*; as the *48th* *Act. Parl. 3.*
Jas. 1. Act 79. Parl. 9. Jas. 4. He said, *twas Enacted*, That no *Man* shall hazard
his *Life* but by *some Law* or *Act* of *Parliament* of this *Kingdom*, therefore not for
Assassination, which is a *Crime* only by the *Roman Civil Law*. But the *Pannel* was
no *Assassin*, because not *Hired*, which is *necessary* to that *Crime*; and therefore the
Libel, upon that account, is *insufficient* and *defective*.

As to that *point* of the *Libel*, Founded upon the *28th* *Act. Parl. 3. Jas. 1.* against
Dismemberment, he said, that *Mutilation* is not *Dismemberment*; and though alike
mischievous, yet in *Penal Laws*, *corticis verborum adberendum est*, and they are not
to be construed *particite ratione*, nor *extended de causa in causa*.

As to what was Replied by my Lord Advocate, in relation to the *Confession*, he
rejoyned, That a *Confession* *elicit* *sepius imputatio*, though the *Judge* have no *Power*
to *pardon*, yet the *Confession* is *invalid*, or at most but a *qualified Confession*, and can-
not be made use of, except the *condition* be performed, *viz.* that he should be *par-*
doned. And that notwithstanding what had been said, yet the *Confession* was *extra-*
judicial, and cited the *Opinion* of several *Lawyers*, who say, that *Confession* *emissa*
coram judice competente sed non sedente pro tribunali, are *extra-judicial*, much more
when it is *confessio emissa coram judice non competente*, and *omnis iudex est incompe-*
te

The Lord Ad-
vocate's Decla-
ration.

*Lord Advocate's
Reply.*

* true, who cannot proceed *ad condemnandum*, as to the Crime, of which the Confession is emitted. And denied that the Lords of Privy Council have Jurisdiction in * *criminalibus*.

* To that which was alledged, That a Confession cannot be retracted, unless the * Party could *dixerit de errore*, and purge his Innocence, he said, That was intended * when the Confession was before a competent Judge, and not when *coveniunt iudicis in-competentes ad condemnandum*.

* Lastly, He made use of the Act of the 9 Par. Jac. 6. Ordaining all *probatum* to * be had in *presence of the Affice*, and said, Though in the particular case of *Deceit* * pronounced before the Lords of Session, Confession be allowed, whereupon the * *Affice* may and ought to *condemn*; that this Case cannot be extended to *Criminals*. To * the Case of Mr. Napp, he said, That therein were Depositions of *Witnesses* taken: * To that of *David*, he said, It did not appear, that the Party did retract his Confes- * sion; and so that instance proves either *nihil* or *nihil*.

And thus that Learned Lawyer having concluded his *Argument*, and said as much for the *Pannel* as the Cause would bear, and that with all the *Address* and *Skill* that could be expected from so great a Man; the *Court*, for that day (being the 7th. of January last) broke up. And having in the mean time duly weighed and considered what had been urged on both sides for and against the *Pannel*, met again in the same place to deliver their *Interlocutory*, and proceed to the *Tryal* of this desperate Villain, on the 10th. day of the same Month, and accordingly they gave the following *Determination* of the Points in *Dispute*, to the great *Satisfaction* of all good and honest Men, which I have *Transcribed* from the *Record* of the *Court*, where I found it in these following words.

The Interlocutor of the Lords Commissioners of the Justiciary having this day considered the *Dittry* of Mr. James Mitchel, and the Debate relating thereto, found that part of the *Dittry* founded upon the 4. Act. 16 Par. 34. 6. bearing the *Pannels* invading by shooting and firing of a *Pistol* at his Grace the Arch-Bishop of St. Andrews, a *Privy Councillor*, for doing of His Majesties *Service*, Relevantly *Labelled* His Majesties *Advocates* proving the *presumption* in his *Reply*, viz. That the *Pannel* said, that he made the same *Attempt* and *Invasion*, because of the Arch-Bishop his *Prosecuting* those that were in the *Rebellion* at *Pentland*, or some words to that *purpose*, relevant to infer the *law* contained in the *foresaid Act of Parliament*, and remits the same to the *knowledge* of an *Affize*.

* And likewise find that part of the *Dittry* anent the *Invoading* of *Bishops* and *Mi- sters* Relevant to infer an *Arbitrary punishment*, and remits the same to the *knowledge* of an *Affize*.

* And likewise that Article of the *Dittry* anent the *Invoading*, *Wounding*, and *Mu- tilating* of the *Bishop* of *Orkney*, Relevant to infer an *Arbitrary Punishment*, and remits the same to the *knowledge* of an *Affize*.

* And also having considered that part of the *Debate* anent the *Pannel*'s *Confession* made and emitted before a *Committee* appointed by *Auctority of Council* to receive it, and thereafter adhered to, and renewed in *presence of His Majesties High Commissi- fioner*, and *Lords of Privy Council*, conven'd in *Council*, find it is *Judicial*, and can not be retracted.

* And also having considered the *Debate* and *Defence* against the said *Confession*, viz. That the said *Confession* was emitted upon *Promise* or *Assurance* of *impunity* of *Life* and *Limb*, find the same Relevant to secure the *Pannel* as to *Life* and *Limb*, reserving to the *Commissioners of Justiciary* to inflict such *Arbitrary punishment* as they shall think fit, in case the *Defence* shall be proven, and remits the same to the *knowledge* of an *Affize*.

The Civil Law is the Common Law of Scotland.

You may perceive by the terms wherein I am forced to couch the *Relation* of this *Tryal*, That we have much of the *Civil Law*; indeed it is the *Ductus usi & Author. Leg. Civ. Lib. 2. Cap. 10.* *Common Law* of our Country, and takes place in all Cases that cannot be determined by our *Statute* or *Conscriptuarius* *Law*. I know very well you understand nothing of it, but yet your Reason cannot but suggest unto you, that an *Interlocutory* is opposite to a *Definitive Sentence*; and that as this is nothing but the *final doom*, consisting in *Absolution* or *Condemnation* of the *Criminal*: So the other is a *Decision* of such incident and emergent matters of *Law* as intervene betwixt the beginning and end of the *Cause*. *Lancelot. Institut. Juris Causa. L. 31 Tit. 15. Paragr. 1.* But

But to return to my *Narrative*, after the *Interlocutory* was pronounced, the *Jury* was *impanelled*, and the *Witnesses* sworn, whose *Depositions* I shall set down as I heard them, and I think I shall never forget them as long as I can remember my *Name*.

To go on with them then in *Order*, after my *Lord Advocate* had produced the *Prisoner's Confession*, the first *Witness* called was *Mr. Paterson*, an *Advocate*, who De-
poned, That immediately after the *Shot* at my *Lord Primate*, he met a *Man* with a *Pistol* in *Black-fryer-wind*, but whether it was the *Pannel* or no, he could not be positive.

Mr. Patrick Vause, Keeper of the *Tolbooth* (for so we call the *Prison* here) De-
poned, that the *Pannel* a day or two before, or after he was Examined by the *Privy Council*, Confessed to him, that he *shot* a *Pistol* at the *Arch-Bishop*, and escaped down *Black-fryer-wind*, and went up the *Cow-gate*, and into *Mr. Robert Ferguson's House*, and having put on a *Periwig*, came into the *Street*, and pretended to *search* for the *Man* that had made the *shot*; but did not remember he heard *Mitchel Justifie* the *deed*.

Mr. John Vause, the Keeper of the *Tolbooth's Son*, gave in *Evidence*, that having asked the *Pannel*, how he could do such a *Barbarous Action* in *cold Blood*, against a *Man* that had never done him *wrong*? He Answered, *That it was not done in cold Blood, for the Blood of the Saints was reeking yet at the Cross in Edinburgh*. By the *Saints* he meant the *Rebels* at *Pentland-Hills* in 1666. one of which, he himself, as I have already told you, had been, and some *Principals* whereof, that were taken in the *Field*, had been Executed about two years before at the *Cross* in *Edinburgh*.

John, Lord Bishop of Galloway, now of *Edinburgh* (whom no good *Church-man* here ought to mention without *Honour* and *Respect*) having first asserted the *Priviledge* that is granted to *Bishops* to have their *Depositions* taken at *home*, according to the *Civil and Canon Law*; and protested, that his *Obedience* to the *Court* should be no prejudice to that *Priviledge*, Deponed, That the first time he saw the *Pannel*, being at *Sir William Sharp's House*, he did not Confess any *Guilt*, but seemed to be in a great *Consternation*, and fell a *trembling*; and that he, the *Deponent*, having heard that the *Pannel* had made a *Confession*, went to the *Prison* to speak with *him*, who acknowledged to the *Deponent*, that he had Confessed, and that he had some hopes of *Life*, and desired the *Deponent* to intercede for him: And his *Lordship* Deponed further, that having asked the *Prisoner*, what moved him to make such a *Bloody Attempt* on an *Innocent Man*? He Answered, that he did it, because he apprehended him to be an *Enemy* to the *People of God*: And having asked him then, if he were not sorry for what he had done; he answered, *no*; but yet if it were to do again, he would not *do it*.

Then *Dr. Irvin*, *Mr. Joffie*, and *Mr. Barthwick*, *Chirurgeons*, swore, That they being called to *Cure* the *Bishop of Orkney*, found him Wounded in the *Arm* betwixt the *Wrist* and the *Elbow* with a *Bullet*, that the *Bones* were *Fractured*; and that though before they left him, he was able to lift his *Arm* to his *Head*, yet that several *Bones* continued to come out of the *Orifice*.

After that, *John Earl of Rosses*, *Lord High Chancellor of Scotland*, affirmed The *Lord High upon his Oath* (for the greatest *Peers* are sworn with us) that he was *present*, and *Chancellor* to *Mr. James Mitchel* *Subscribe* that *Confession* that was produced in *Court*, and that he heard him make the *Confession* there set down, and that he heard him afterwards ratifie the *same* at the *Council* before the *King's Commissioner* and *Lords of the Privy Council*, and that his *Lordship* Subscribed the *same Confession*: And being interrogated whether his *Lordship* did Promulge the *Pannel* his *Life* upon Condition he would *Confess*? His *Honour* Deponed, That he never *gave*, nor did the *Pannel* ever seek any *such assurance* of *Life* from *him*; nor did his *Lordship*, as he declared upon *Oath*, remember any *Warrant* given by the *Council* to that *intent*; and if there were any *Expressions* in any *Paper* which might seem to infer any *thing* contrary to what his *Lordship* had affirmed, he conceived it was inserted upon some *mistake*.

The *Lord Halton* being sworn, Deposed to the *same purpose*, that he had heard the *Pannel* first verbally *make*, and then saw him *Subscribe* that *Confession*; and that he afterwards heard him *own it* again, and *renew* it before my *Lord High Commissioner* at the *Bar* of the *Privy Council*; and that he knew nothing of any *Assurance* of *Life* given to *Mitchel*, nor that he sought after any *such thing*. His *Lordship* Deponed further, That the *Pannel*, being asked, what moved him to commit such a *horrid* *evil*? answered, it was because the *Arch-Bishop* was an *Enemy* to the *Godly People in the West*.

The Duke of Lauderdale's Evidence.

The Duke of Lauderdale likewise being sworn, Deposed, That his Grace was present, as the King's Commissioner in Council, when Mitabel was brought to the Bar, when he saw his former confession made at the Committee of Council, and that he heard him own that to be his Confession, to which he adhered, and did renew the same in his Grace's Presence; and his Grace declared further upon his Oath, that he neither gave nor knew of any Promise of Pardon given to the Pannel, nor gave any Commission to any others to the same effect, nor indeed could he do it, his Grace having no particular Warrant from His Majesty relating to that Affair.

The Lord Pri-
mate's Evi-
dence.

In the last place, James, Lord Arch-Bishop of St. Andrews, Deposed, That the day the Pannel made the Shot at him, having a view of him as he was crossing the Street, it made such an impression upon him, that after he was taken, he knew him at the first sight to be the Person that shot at him. He declared further, That he saw him own and confirm his former Confession at the Bar of the Council, and that he knew nothing of any assurance of Life given to the Pannel, or desired by him; only his Grace said, that immediately upon the taking of the Pannel, he Promised him, that if he would confess, and Repent himself of his Fault, without further troubling a Court of Judicature, he would intercede for his Pardon; which he rejected then, and therefore though he still forgave him, yet he did not conceive himself bound to endeavour his Preservation after more than five years Obstinacy.

Several other Witnesses against him, which were not made use of.

There were many other Witnesses ready to Depone, of which there was no need. One of them could have Testified, That he heard the Pannel say, That he would do the Fact if it were to be done again: And another could have Sworn, that he heard him say, Let me but shoot at him again, and I'll be content to be Hang'd, if I miss.

But what was actually Sworn, was sufficient to convince any rational Man of the Guilt of this execrable wretch, and that both He and his Counsel saw there was no way to save his Neck but by proving his Confession to be emitted upon Promise of Pardon, which was the Reason those Noble Peers were Interrogated to that particular, Act of Council, who, you see, all of them denied, by the great Oath they had taken, their knowledge of any such thing; by which it did evidently appear, that that pretended Act of the Privy Council was an Imposture, and was only produced in the Court, either to gain time, or ad captandum Populum, the Pannel thinking thereby to insinuate the hardness of his case amongst the unthinking and less considerate part of the people, by which means an Odium might be cast upon the Government.

The pretended Pannel's Counsel desire that the Clerks of the Council may either give an Extract of the pretended Act of Council, or produce the Register.

After the fore-going Depositions were taken, and the Assize (consisting of fifteen Honest Gentlemen) was Sworn, the Pannel and his Counsel having produced a Copy of a pretended Act of the Privy Council, insisted that the Clerks of the Council ought to be Commanded either to give an Extract of the Assize under their Hands, or produce the Register containing the aforesaid Act, and desired an Order of the Court to that purpose.

To which the Lord Advocate Replyed, 1. That he was not Obliged to produce the Register, but that if the Pannel hoped any benefit from it, it lay upon him to do it, and that since he had till then neglected to cite the Clerks of Council, which before he might have done, to ask it then, looked like a Design to create a Delay, which the Process being so far advanced, could not either in Law or Reason be allowed. 2. That if any such Act of Council were, it could avail him nothing, since my Lord Commissioner, my Lord Chancellor, &c. had disowned it upon their Oath, and denied any knowledge of it, because after that, it could not but be looked upon as a Suspicious thing, or at best, that it was there through some mistake. 3. That even by the Copy of the pretended Act which they had produced, it was evident that the Design of it was absolutely to take from the Pannel that very favour which he pleaded for from it, since, as his Counsel had said, the Confession could not be divided from the Assurances of Life that was given; so, much less could the Narrative, part of that pretended Act, be distinguished and separated from the Statutory part of it, which expressly excludes the Pannel from any benefit of the fore-going promise of Life: Besides, it was apparent, that the pretended Act did bear date long after the Pannel's Confession, and even posterior to a former Dyer in the Justice Court appointed for the Prisoner's Tryal for the said Crime. 4. That no such Assurance could have been granted, seeing none but His Majesty can grant Remissions and Pardons.

The Lord Advocate having consented to, was accordingly done; the purport whereof,

The Contents
of the pretend-
ed Copy of the
Act of Privy
Council.

in short, was, "That *Mitchel* had Confessed all his *Treasons*, and the *Attempt* upon the *Arch-Bishop* of *St. Andrews*, before a *Committee* appointed by the *Privy Council*, upon an *Affurance* of *Pardon* given him from one of them, as to his *Life*, without which he would not own the *Sobs* he made at the *Primate*, though he had Confessed freely all the rest of his *Crimes*; and that he did afterwards in the Presence of the *Lord High Commissioner* and the whole *Privy Council*, own and adhere to his former *Confession*, Subscribed with his own *Hand*. And that afterwards being had before the *Lords Commissioners of Justiciary*, and the King's *Advocate*, he did *retract* and *deny* the said *Confession*, notwithstanding he was Promised by them he should have the benefit of the *Affurance* given him, if he would not go off from what he had Confessed before. Wherefore the *Lord High Commissioner* and the *Lords of His Majesties Privy Council* did declare, that they were free, and that Mr. *James Mitchel* ought not to have any benefit of any *Affurance* made to him, and that the same was void, and that the *Lords Justiciary* ought to proceed against him without any respect had to it, and as it never had been. Dated the 12th day of *March*, 1674.

After the Reading of this, the *Pannel's* Proctors, that they might in no wise be wanting to him, craved leave of the *Court* to Debate the matter at large; which was denied them by the *Lords Justiciary*, because the *Copy* of the pretended *Act* of *Council* was never urged, nor made use of, nor any *diligence* used, nor *Orders* prayed for the producing of the *Register*, until the *Court* was just going to break up, and the *Affize* was *Sworn*, after which, it is contrary to the *Law* of the *Land*, and the *Practise* of the *Court*, to grant any more time, or issue out any *Orders* in behalf of the *Pannel*, several Reasons especially seeing it appears, as had before been observed by the *Lord Advocate*, by the *Copy*, that the design of it was to take away any *Affurance* that could have before been placed in favour of the *Pannel*; and that the truth of the *Narrative* of the *Copy* Founded upon the *insinuating* that there was an *Affurance*, is Cancelled by the *Depositors* of the King's *Commissioner*, the *Lord Chancellor*, and other the Right Honourable Members of the *Committee* and *Privy Council*; and then they immediately Commanded the *Affize* to inclose, and to return their *Verdict* the next day at two a Clock in the Afternoon.

Whereupon being met the next day at the time appointed, they brought him in *Mitchel brought in Guilty*, according to the *Interlocutory* of the *Lords Justiciary*; upon which, he received in Guilty by his *Sentence* from the *Court* by the *Damper*, which was, *That he should be taken to the Affize, and be Hanged on a Gibbet, till he should be dead, and all his Moveable Goods and Gear to be Escheat and im-brought to His Majesties Use*. Which was no sooner pronounced, but the *Pannel* told the *Lords Justiciary*, *That he took it as from God, and not from them*.

§. 7. After he was Condemned, he desired that some *Conventicle Ministers* that were *Imprisoned* with him might be admitted to give him *comfort*, and *obstinately* refused the *Affiance* of the *Ministers* of our *Church*. However one of them went to him to remind him of the *Murder* he was *Guilty* of in the *Eyes of God*, though he suffered him not to effectuate his *Design*. But instead of making any *impression* upon his *burdened heart*, or receiving *common acknowledgments* for his *good will*, he received nothing from him but *Reproaches*; being told by him, that he was a *Murderer of Souls*, and had the *Blood of Souls* to *Anfwer* for; with many *more* rude and *En-thusiastick Expressions*, which would be too long to relate.

However, the Reverend Mr. *Armand*, *Dean of Edinburgh*, not discouraged with the *unbenevolent* returns one of his Brethren had received from the *Malefactor* but just before, out of his *tender Compassion* to his *Soul*, wrote him a *very Affectionate* and *Pious Letter*, wherein he endeavoured to shew him from the *Gospel*, how contrary his *Principles* and *Practices* were to the *Doctrine of Christianity*; and exhorted him to *Aff-pentance* for that *uncchristian Attempt*, by which he designed to *take away* the *Life* of one *Sacred Person*, and *grievously Wounded another*, &c. To all which he returned this *Answer*.

He treats the Minister that went to Visit him in Prison very Reproachfully,

The Dean of Edinburgh writes a very Affectionate and Pious Letter to him.

* SIR,

SIR,

Mitchel's An-
swer thereto.

I Received Yours, and since my time is very short, and so very Precious, I can only thank you for your Civility and Affection, whether real or pretended; and I tell you, I truly clese with all the Precepts of the Gospel to Love and Peace, and therefore pray I both for Mr. Sharp and You; but knowing both Mr. Sharp's Wickedness and my own Sincerity, and the Lord's holy Sovereignty to use his Creatures as he pleases, I can only refer the manifestation of the Fact to the day of God's Righteous and Universal Judgment, praying heartily that God may have Mercy on You, and open your Eyes to see both the Wickedness of all your ways, and of your Godless insulting over an unjustly Condemned Dying Man, and grant unto you Repentance and Remission of your Sins. I am in this your Well-wisher,

James Mitchel.

The Dean had urged in his Letter an Excellent Argument to convince him, that the impulse which was upon him for so many years to Assassine the Primate, could not come from God, like the impulse of Phineas and the Zealots, because he failed in the Attempt, which never any Person did or could do that was moved by God, to do an Heinous Act. But you see the blind Pseudo-Zealot takes no notice of this Argument in his Answer, wherein, to shew what an implacable Enemy he was to the Office as well as the Person of the Arch-Bishop, he mentions his Grace not by his Character, but by his Name.

Having been told in the Prison, that he would not be permitted to speak to the People before his Execution, he transcribed several Copies of his intended Speech, whereof several Copies were found in his Pocket, and taken from him before he was carried out to Execution: It is long, and the former part containing nothing but Libellous Reflections and Scandalous and false Aspersions on the Privy Council, the Justiciary Lords, and the King's Advocate: I shall content my self to send you a Transcript of the latter.

The latter part of his intended Speech. The latter part of his intended Speech.

I Acknowledge my particular and private sins have been such as have merited a worse Death unto me; but I dye in the hope of the merits of Jesus Christ, to be freed from those Eternal punishments due to me for sin. Yet I am confident that God doth me plead with me in this place, for my private and particular sins, but that I am brought here that the Work of God might be made manifest, and for the Tryal of Faith, John 9. 3. 1 Pet. 1. 7. and that I may be a Witness for the despised Truth and Interest in this Land, who am called to Seal the same with my Blood. And I wish heartily that this my poor Life may put an end to the Persecution of the true Members of Christ in this Kingdom, so much actuate by these perfidious Prelates; and in opposition to whom, and in testimony of the Cause of Christ, I at this time willingly lay down my Life, and bless my God that he hath thought me so much worthy to do the same for his Glory, and Interest. Finally, concerning a Christian Duty in a singular extraordinary case, and my particular Judgment concerning both Church and State, it is evidently declared, and manifested more fully elsewhere. So farewell all Earthly enjoyments, and welcome Father, Son, and Holy Spirit, into whose Hands I commend my Spirit.

§. 8. As to that particular Christian Duty in an extraordinary case, and his Judgment concerning Church and State manifested elsewhere he means a larger Blasphemous Libel, which he left behind him, wherein he endeavours to justify his Fact. It is very long, but yet I beseech you to read it over, and if you have not read Napthali, nor *Jus Populi vindicatum*, which is a Reply to the Answer, which the Bishop of Orkney, whom this Miscreant Wounded, made to Napthali; I am confident you must be surpriz'd with horrour and astonishment, to see such Un-christian Doctrines come from a Christian Pen. Yet the Primitive Churches never received the Apostolick Epistles with greater veneration, than the Members of our Field-Congregations receive such Discourses as this; nor can any Church-man respect any ancient Ecclesiastical Writer half so much as they adore Napthali, which is written in the Defence of the Rebellion in 1666. and wherein this horrid mans attempt upon the Primate is commended for an Heroical Act; and that cursed Book, with *Lex Rex*, *Jus populi vindicatum*, and Mr. Rutherford's Letters are the Fathers and Councils of our Fife, and Western Whigs.

Napthali, Lex Rex, Jus Populi vindicatum, and Rutherford's Letters are the Fathers and Councils of the Whigs.

I have

I have here subjoined the Account of my self, Principles and fore-said Practices as they were set down in a Letter to a Friend, and another Declaration both written by me, when first Convened before the Lords Justices, in the year 1674.

He gives an Account of himself, his Principles and Practices, in a Letter to a Friend, and in a Declaration.

The Copy of my Letter, *Edenburgh Tolbooth*,
February the 16th. 1674.

SIR,

ME (who may justly call my self the least of all Saints, and the chiefest of all Sinners) bath Christ his Son our Lord called to be a Witness for his destroyed Truth and trampled on Interest, by the Wicked, Blasphemous, and God-contemning Generation, and against all their other perfidious Wickednesses. Sir, I say, the confidence I self, &c. The Letter to his Friend concerning him-
bave in your real Friendship and love to Christ, his Truth, People, Interest, and Cause, bath encouraged me to write to you, hoping that you will not misconstrue, nor take advantage of my Infirmities and Weaknesses: You have heard of my Indictment, which I take up in these two particulars. First, (as they seem to) Rebellion and Treason, anent which I answered to my Lord Chancellour, that is was no Rebellion, but a Duty which every one was bound to have performed, in joining with that party: And in the year 1656. Mr. Robert Lightonne being the Primate of the Colledge of Edinburgh before our Laureation, tendereth to us the National Covenant, and Solemn League and Covenant, which upon mature Deliberation, I found nothing in them but gainst the King. He justifies the Rebellion a-
Men in their several Stations; and I finding that our then banished Kings Interest lay wholly included therein, viz. Both the Oath of Coronation, Allegiance, &c. And they being the then tellers of all Loyalty. And, My Lord, it was well known that when many were taking the Fender, and forswearing Charles Stuart's Parliament and House of Lords, I then Subscribed them both. The doing of which, My Lord Chancellour, would have stood me at no less rate, if all's well known, than this my present adhering and prosecuting the ends therof doth now: And when I was Questioned what then I called Rebellion? I answered, That it is, Ezra 7. 26. And whosoever will not do the Law of thy God, and of the King, &c. But being questioned by the Commissioner before the Council there anent; I answered, as I said to My Lord Chancellour before, in the year 1656. Mr. Robert Lightonne being then Primate of the Colledge of Edinburgh, before our Laureation, he tendered to us the National Covenant, and Solemn League and Covenant, where he stopped me, saying, I wud you are come here to give a Testimony; and then being demanded what I called Rebellion, if it was not Rebellion to oppose His Majesties Forces in the Face? To which I answered, My Lord Commissioner, if it please your Grace, I bumbly conceive, that they should have been with us, meaning that it was the Duty of those Forces to have joyned with us, according to the National Covenant; at which answer I perceived him to storm. But, says be, I bear you have been over Seas; with whom did you converse there? I Answered, with my Merchant, My Lord. But, saith be, with whom in particular? with one John Mitchel, a Cousin of mine; saith be, I have heard tell of him, he is a Factor in Rotterdam, to which I conceded: But, saith be, did you not converse with Mr. Livingston? and such as he? To which I answered, My Lord Commissioner, I conversed with your Banished Ministers; to which he replied, Banish'd Ministers! Banish'd Traitors; he will speak Treason at the very Bar. Then he answered, himself, saying, but they would call the shooting at the Bishop an Heriot Act; To which I answered, That I never told them of any such thing. Quest. But, where did you see James Wallace last? Answ. Towards the Borders of Germany some years ago. Quest. But what ailed you at my Lord St. Andrews here? pointing at him with his finger. Answ. My Lord Commissioner, the grievous Oppression and horrid Bloodshed of my Brethren, and the eager pursuit after my own Blood, as it appeareth this day to your Grace, and to all His Majesties Honourable Council; after which he commanded to take me away, that they might see what next to do with me.

The second is, the shooting that shot, intended against the Bishop of St. Andrews, whereby the Bishop of Orkney was hurt; to which I answered, My Lord Chancellour

He justifies the Murder of the Bishop of Orkney, and obliged by the Covenant to be a Mortal Enemy to the whole Order.

in private, viz. That I looked upon him to be the main Instigator of all the Oppression and Bloodyshed of my Brethren that followed therupon, and the continual pursuing after my own; and My Lord Chancellour, as it was credibly reported to us (the truth of which your Lordship knows better than we) that he keept up His Majesties Letter, inhibiting any more Blood to be shed upon that Account, until the last Ten was Executed, and I being a Souldier, not having laid down Arms, but being still upon my own Defence, and having no other Quarrel nor Aitt at any man, but according to my own apprehension of him, and that as I hope in sincerity, without fixing either my self or any one upon the Covenant it self, and as it may be understood, by many thousand of the Faithful; besides the prosecuting of the ends of the same Covenant, which was, and is in that part the overthrow of Prelates and Prelacy; and I being a declared Enemy to him upon that Account, and he to me in like manner, so I never found my self obliged, either by the Law of God or Nature, to set a Centry at his door for his safety; but as he was always ready to take his advantage of me, as it now appears, so I of him when Opportunity offered: Moreover, we being in no terms of Capitulation, but on the contrary, I by this Instigation being excluded from all Grace and Favour, thought it my Duty to pursue him on all occasions. Also, My Lord, Sir William Sharp making his Apology, onent his unhandsome cheating way, when he took me under a pretext to have spoken with me about some other matter, (I not knowing him until Five or Six of his Brothers, and his own Servants were laying fast hold on me, they being Armed of purpose) he desired that I would excuse him, seeing what he had done was upon his Brothers Account; which excuse, My Lord, I easily admitted of: seeing that he thought himself obliged to do what he did without Law or Order, in the behalf of his Brother; much more was I obliged to do what I did, in behalf of many Brethren, whose Oppression was so great, and whose Blood he had caused shed in such abundance; Moreover, he insisting in his bloody Murders, as witness the Wounding of Mr. Bruce at his taking of his Entitallies, some few days before that fell out concerning himself; now if by any means in taking him away, I could have put a stop to the then current Persecution. That far I have truly resolved what pass.

But this Answer to the second part of the Indictment may be thought by some to be a step out of the ordinary way, whereof I shall offer these things following to your Consideration, viz. That passage, Deut. 13. 9. Where to me it is manifest, That the Seducer or Laticer to Worship false Gods, is to be put to death by the hands of those whom he seeketh to turn away from the Lord, especially by the hand of the Witnesses, whereof I am one; as it appears, Deut. 13. 9. which Precept I humbly perceive to be Moral, and the Magistrate, not merely Judicial, and that it is not at all Ceremonial or Levitical, but as every Moral Precept is Universal as to the extent of place; so also as to the extent of Time and Persons; upon which Command, Sir, I do really think that Phinehas acted in taking away the Midianitish Whore, and him whom she had seduced, Numb. 25. 6. Also that Elijah by virtue of that Precept, gave Commandment to the People to destroy Baal's Priests, contrary to the mind of the seducing Magistrate, who was not only remiss and negligent in executing Justice, but became a Protector and Defender of the Seducers: Then, and in that Case, I suppose the Christians Duty not to be very dark. Moreover, we see what the People of Israel did, 2. Chron. 31. 1. They destroyed Idolatry, not only in Judah, where the King concurred, but in Ephraim and Manasseh, where the King himself was an Idolater; and surely, what all the People were bound to do, as their Duty by the Law of God, every one was bound to do it, to the uttermost of their Power and Capacity. And as it is, Ezek. 13. 3. Where the Seducers Father and his Mother shall put him to death; I take this to be meant of the Christian Magistrate. But when he is withdrawn by the Seducer from the exercise of his Office and Duty, and he's become utterly remiss and negligent in putting the Seducer to death, according to Gods express Law; which is not to be expected of him (for then he should do Justice upon himself) but to become a Protector and Defender of the Idolater; then I doubt not, but it doth become the Duty of every Christian, to the uttermost of his Power and Capacity, to destroy and cut off both Idolatry and Idolaters. Yea, those presumptuously-murdering Prelates ought to be killed by the avenger of Blood, when he meeteth them; by the express Law of God, seeing the thing is manifestly true, Numb. 25. 21. and not have liberty to flee to such Cities of Refuge, as the vain pretext of Lawful Authority. But they should be taken even from the Horns of such Altars, and be put to death. Moreover, what is spoken of concerning Amalek, upon the account that he design'd and resolved

solved the extirpation of the Lords People and Truth, who are his Throne, upon which he putt forth his hand, and because he took occasion against them, Exod. 17.15. Numb. 24.20. He endeavouring that God should not have a People to have served him, according to his revealed will, upon the Earth; and if he could have effectuated his design, they should not have lived, who would not Serve and Worship him, and his Idol Gods; and for the better effectuating of this his design, he took occasion against them when they were weary, in coming out of Egypt, Deut. 23. 17, 18. And the Reason there annexed is, That he feared not God. Now, because I know Bishops both will and do say, That what they did against those of the Lords People, whom they murdered, they did by Law and Authority, but what I did, was contrary to both. Answer. The King himself, and all the Estates of the Land, and every individual Person therein, both were, and are obliged by the Oath of God upon them, to have by force of Arms extirpated Perjured Prelates and Prelacy, and in doing thereof, to have defended one another with their Lives and Fortunes, the Covenants being engaged into, upon these terms, viz. After Supplications, Remonstrations, Protestations, and all other Lawful means have been used, now for that effect, as the last Remedy, we take up Arms, upon which Conditions the Nobility, and all the Representatives of the Nation, according to the National and Solemn League and Covenant, gave to our King both the Sword and Scepter, and set the Crown upon his Head; and he accordingly received them, according to these Sacred Oaths and Promises, and swore by the everliving God to use and improve them for the end aforesaid; and especially, in order to the performing of this Article, viz. The extirpation and overthrow of Prelates and Prelacy: And now the want of what Authority do they mean or speak of? Truly I know not, except it be the Authority of their Aggregation of new Gods, of whom they have their gain, life, and standing, viz. Chemol or Bacchus, which, with drunken Moab, delighted to dwell within dark Cells, and Ashteroth and Venus, whom they Worship in the Female kind, because of their Adulteries and Whoredoms; as also Milchom or Molech, which signifies a Tyrannical King or a Devil, if they will have it so, in whose Arms and Power they put their young Infants and Posterity to be burnt and destroyed, according to his Lust and Pleasure, Amos 5.26. Psal. 116.37. and that Mammon, which they delight to Worship daily together with their own bellies, whose glory is their shame, who mind earthly things, whose end will be Destruction, except they Repent, which there is little probability of, Psal. 3.19. to which, if we may add their abominable Pride and Blasphemous Perjury, then their Gods will be equal in number to the Whore their Mother, from whom they have their being, strength and standing, and from the Devil their Father, who was a Deceiver, Liar, Murderer from the beginning: And now seeing the Prelates possess whatsoever their Gods Chemosh, &c. giveth them to possess, then why should not we possess what the Lord our God giveth us to possess, viz. His eternal Truth manifested to us, in his revealed Will, and keep and defend the same from all Innovations, Corruptions and Traditions of his or our Adversaries, defend our Lives, Laws, and Liberties out of the hands of our Usurping Enemies, Judg. 11. 24. For sure I am, that God will Obedience, and the Teachers and Practitioners of it, rail bitterly against the Prelates and Malignants of all these, and should they again possess them through our defect, God forbid. But the like of this Work, our Murthering Prelates like not; who plead like the Whore their Mother for Passive Obedience, and that all the Lords People, who may not comply with their Idolatries, should lay down their necks to their Bloody Axes; with whom too too many of our Hypocritical Time-serving and perfidious Professors do agree, who would rather abide with Reuben amongst the Sheepfolds, than Jeopard either Life or Fortune in the help of the Lord against the Mighty, but do not consider the bitter curse pronounced by the Angel of the Lord against Meros, to which he immediately subjoyns a Blessing upon Jael the Wife of Hebar the Kenite: Others excuse themselves thus, viz. Vengeance is mine, and I will re-pay, but so the Throne and Judgment is the Lords, and by this they would take away the Use and Office of Magistracy, which Erroneous Principle I despise; for God even in the working of Miracles, viz. in dividing the Red Sea, Exod. 14.16. he commanded Moses to forbear his Rod, and Christ, when he opened the blind Man's Eyes, maketh use of Clay and of Spittle; though indeed, I mean not of any who were willing to have helped, but wanted Opportunity, yet there are many peevish Time-serving Professors, who resolve they shall never suffer so long as they have either Soul or Conscience to Mortgage; providing that they may save them from suffering: And if it will not do their business, it seemeth (that before they suffer) they resolve to fall out at the ground. Now, Sir, I have

have neither mis-interpreted Scripture, nor mis-applied it, in regard of the Persons here hinted at, nor been wrong in the end, which ought to be the glory of God, and the good of his Church and People. Then I think that some Persons might forbear to scourge me so sore with their Tongues, while I am not yet Condemned by the common Enemy, and my hearing of some things Reported by some behind my back, hath occasioned my writing to you at this time. O Sir! be entreated to pray to the Lord in my behalf, that he would be pleased out of his Mercy and Goodness, to save me from sinning under Suffering, in this hour and power of darkness; for my Soul is prety in me, in the search betwixt Sin and Duty, viz. lest I should be too niggard and sparing of Life, when God calleth for it; and upon the other hand, lest I should be too Prodigal and lavish of it, in not using all Legal defences, in preserving of it; and many things of the like Nature. I am in a strait, O Lord, undertake thou for me. Sir, I hope you will excuse me, in sending you these indistinct and irregular lines, when you consider my present condition; Sir, I believe, I would many times, when I am before them, think a Scaffold a sweet Retirement, lest they should cheat and deceive me; in making me, either to stain the declarative glory of God, my own Conscience, or his People and Interest, in wronging of them, either by opening of the Adversaries mouths against them, or in letting loose their hand upon them; henceforth let the Adversary either say or do what they can, yet the Righteous will hold on their way, and he who hath clean hands will be stronger and stronger, Job 17. 9. But be that faith unto the Wicked, Thou art Righteous, him shall the People Curse, Nations shall abhor him, Prov. 24. 24. Farewell in the Lord.

POST-SCRIPT.

IT is acknowledged by all rational Royalists, that it is *Lawful* for any Private Person to kill an *Usurper*, or *Tyrant*, *sine titulo*; and to kill *Irish Robbers*, and *Tories*, or the like; and to kill *Boars*, *Wolves*, and such devouring Beasts; because the good of this *Action* doth not redound to the Person himself only, but to the whole *Common-wealth*; and the Person acting incurs the danger himself alone: The Second Part of *The Cloud of Witnesses*, pag. 60. Mr. Knox hath these express words; 'For God, saith he, had not only given me Knowledge, and a Tongue, to make known the Impiety of the Idol, but had given me Credit with many who would have put in execution God's Judgments, if I would only have consented thereto. But so careful was I of common Tranquillity, and so loth was I to offend some, that in secret conference with Zealous Men, I travelled rather to slacken that fervency God had kindled in them, than to animate or encourage them to put their hands to the Lord's Work, wherein I acknowledge my self to have done most wickedly; and from the bottom of my Heart I do ask my God Pardon, that I did not what in me lay, to have suppress that Idol in the beginning. But O! how far are the Men in our time from such Con-

Mr. Knox Blasphemously asks 'was I of common Tranquillity, and so loth was I to offend some, that in secret conference with Zealous Men, I travelled rather to slacken that fervency God had kindled in them, than to animate or encourage them to put their hands to the Lord's Work, wherein I acknowledge my self to have done most wickedly; and from the bottom of my Heart I do ask my God Pardon, that I did not what in me lay, to have suppress that Idol in the beginning. But O! how far are the Men in our time from such Con-
victions! whose work it is to put out any spark of Life or Zeal, which appeareth in any Person, against *Idolatry* and *Idol* of our times. Now let Men, whether Foes or Friends, carp or quarrel never so much, yet the purpose and determination of God will not be disappointed in living *Witnesses* against this mis-believing Generation, viz. That he is both All-powerful and willing to deliver one, or more of his People trusting in him, yea, and that there is no restraint unto the Lord, to save by many, or by few, 1 Sam. 14. 6. If any be Obedient to the voice of his Commandments, although Success doth not always follow thereupon, more than it did to *Israel*, Jos. 7. 12. against the City of *Ai*, because there was an *Achan* in the Camp, and alas, there are many *Achans* in the Camp of our *Israel*, which cause the Lord's People to fall daily before their *Enemies*; and which makes all their endeavours unsuccessful: I mean, the hidden Time-serving *Hypocrites* and *Murmurers*, who have preferred their *Backs* and *Bellies* to the Interest of God, and their *Hearts* still desirous to return to *Egypt*: I say, until such *Rebels* be purged and dye, we can have little expectation to prosper in any enterprize or undertaking; for they have both betrayed and mis-believed God, notwithstanding

Mitchel complains of the want of Zeal, Courage, and Constancy among his Brethren the Whigs.

withstanding of all his *Miracles* which he did of old, and which he has done in our days, for his People, and before their Eyes; yet they are so far gone back in a course of *Apostacy* and *compliance* with the *Canaanites* of our times, and are become so *brutishly ignorant* of the express *Law of God*, and are such *Enemies* thereto, that they do rather concur with the said *Canaanites*, *Judg. 6. 25.* to have *Gideon* put to death for performing his *Duty*, conform to the express *Command* of God, than either to *study* thereof themselves, or give *Obedience* thereto. But if it be objected, that *Gideon* had an express *Command* from God, for *throwing down* of *Baal's Altar*, and for *cutting down* of the *Grove*, and *destroying* of the *Midianites*: *Answer.* Indeed he had an express *Command* of God for his *encouragement*, but he had no new *Command* from God, save that which was expressly enjoyed upon all the *Israelites*, by virtue of which every one was obliged to have done what he did, without any such *Message* from God, *Deut. 7. 2, 3, 15.* and who are readier with *Judas* (before they incur danger or loss) to send three thousand Men to bring *Sampson* bound to the *Philistines*, than to have sent him ten to his assistance against the *Common Enemy*; concerning the truth of which we have gotten many sad *Experiments*: But, however I hope, that what hath been said, shall occasion a further cognition of, and a more serious search into these fore-mentioned truths; than hath been for a long time by-past.

That, albeit I have here singly declared my own *Motives* and *Reasons* for that *Attempt*, and *shooting*; wherein I then had, and now have *peace*, and hope to find acceptance of God, according to the multitude of his *Mercies*, to such as seek and *find* him in *sincerity*; yet, I will not take on me *absolutely*, and in every respect, to *justify* or *assert*, that it is my own *deliberate* and *fixed Principle*; let be that it is *justified* by, and is the *Principle* of the *Non-conforming Presbyterian Party* of the *Church of Scotland*, of which I have the *Honour* and *Happiness* to be one, the *memoribillist* of many, whole Party. Nay, if I should say so of them, I would be found a *Liar* against the *Truth*; for I adventured on it upon my own *pure* and *proper motion*, without the *advising* of any, yet, without the *privacy* of that Party; whom therefore I earnestly desire, that none may *charge* with, and if any shall, I do with the greatest *confidence* aver, that they deal with them most *unjustly*; I have, I say again, in the *simplicity* of my *Heart*, with *candour* and *ingenuity*, becoming a *Dying Man*, and a *Christian*, believing that he must be made manifest before the *Tribunal* of *Christ*, and these receive according to the things done in the *Body*, whether they be *good* or *evil*, giving an *Account* of the *Reasons* and *Motives*, pouing and *pressing* me on to it; wherein I had *quietness* of *Mind* in the *time*, and have still to this *present hour*, hoping that as he is *Severn* *King* over all *Creatures*, and may use any of them as *Instruments* to whatsoever his *Pleasure* is; and that, as I say, I did *take*; and do still *rest* upon the *mission* as from *himself*; so he will accept of my *sincerity* in it, and one day, both bring forth his own and my *Righteousness* as the *Lights*.

He declares the foregoing Principles to be his own, and not (for ought he knows) of the whole Party.

He believes that the impulse that induced him to do what he did, proceeded from God.

The End of the Letter.

Here follows this Miserable Wretch's Declaration.

I suppose some will be desirous to know what hath brought me to this place of Suffering; to which I have no other Answer than that which Elijah gave, when threatened with Death by Jezebel, *1 Kings 19. 14.* I have been very zealous for the Lord God of Hosts, because the Children of Israel have forsaken his Covenant, thrown down thine Altars, and true Worship, and slain his Prophets and Ministers: And they seek my Life to take it away.

His Declaration concerning himself, his Principles, &c.

With all my Heart and Soul, I own, and adhere to the work of Reformation, as it was begun and carried on in the Kingdom, according to the Word of God, and the National Covenant, and the Solemn League and Covenant; as it was settled among

as in Doctrine, Worship, Discipline, and Government, by General Assemblies, Synods, Presbyteries, Kirk-Sessions, and the Peoples Just Power to choose and call their own Lawful Pastors; and I do declare, that I judge Patronage to be a Popish Right, and an Usurpation in the House of God.

I do believe, and am persuaded, that Magistracy is an Ordinance appointed of God, as well under the New Testament as it was under the Old; and that whosoever resisteth the Lawful Magistrate in the exercise of his Lawful Power, resisteth the Ordinance and appointment of God; Rom. 13:3. Forasmuch as God's Minister to you for thy good, and in doing good thou needest not to afraid of him, 1 Pet. 2:12. We must Obey the Lawful Magistrate for Conscience sake; Deut. 17:15, 16, 17. The Lawful Magistrate must be a Man qualified according to God's appointment, and not according to the Peoples Lust and Pleasure; lest in the end he should prove to them a Prince of Sodom, and a Governor of Gomorrah; whom God in his Righteousness should appoint for their Judgment, and inhabits for their Correction; he must be one of thy Brethren, and not the Face of a Stranger; he must not make himself strong by multiplying of Heresies, to the end he may compel the Lord's People to Rebel against the Lord's express Command: Nor Jeroboam-like, compel the People to any course of Apostacy; he must not multiply Wives to himself, and much less Whores, nor Marry an Idolatrous Wife like Jezebel, 1 Kings 16:31. Nor be Covetous, in multiplying to himself Silver or Gold; he must be an diligent Student of the Law of the Lord, as the days of his Life, that he turn neither to the Right Hand, nor to the Left Hand therefrom, but must judge his People accordingly; otherwise neither he, nor his Children can expect to prolong their Day, 1 Sam. 13:3. He must not be a Son of Belial Lawful for above Order and Law, whom a Man cannot touch except he be fenced with People to take Iron, for such shall all be pluck away: For (saith David) he that Ruleth over Men up Arms to free themselves must be just, Ruling in the Fear of the Lord, &c. But if a Man presuming himself to be thus qualified, and thereafter, when his hand strengthened himself upon the Throne, shall abjure, and Sacrifice his Oath and Covenant, both to God and his Subjects, and shall transgres the Law, and Commandment of the Lord, (who bath given the Magistrate his executive Power to promote, protect, and defend God's Law, Truth and People, from being corrupted, violated, or any wayes dammified; and for that end, by his instrument both his Magistracy and his Power from God and Men, for he is not received of the Earthes obstructive, destructive, or privative Power;) for (as he hath said) the People can give no Right, nor Power to any Man, but what is according to God's appointment, lest they should incur the sad Challenge from God, Hosea 8:4. They have set up Kings, but not by me; they have made Princes, but I have it not. For in this &c. v. 3. Israel there is brought in confessing their fault, and they deoyed they had a King, because he was not such as God had appointed, and said, what should a King do to them, seeing he had partly by force, and partly by fraud, withdrawn them from the fear and obedience which they ought to God; and to his Law, and had seduced and compelled them to Idolatry, and Worshipping of false gods: And if the Magistrate being in Power, shall overturn the Covenant-work of God, his Truth and Interest, the Fundamental and Municipal Laws of the Land, and moreover by a settled Parliament, according to his own Mind, and for his own Uls and Ends, they as the Peoples Representatives, do by Acts Rescissory rescind all Acts of laudable Lawful Parliaments, Committee of States, or Councils, wherein were contained or comprehended any mutual Bond, Obligation, Covenant, or Contract, between the Prince or People, be having disengaged himself of any Legal Right, he could have or pretend over such a People, and they being in Statu quo Prior, and none having Right to Rule over them without their own content; if the aforesaid Magistrate shall then again Usurp and Invade his Peoples Lives, Religions, Liberties, and Laws, and make even himself supplicating of his Crimes of Treason, contrary to the dictates of Nature, and he by Armed Emularies, and by his Arbitrary Power carried on by the Sword in their hands, constrain the Lord's Peoples to relinquish and to forfetake the true Religion and Worshipp of God, and make a surrendre of both their Souls, Conscience, Lives, Law, Liberties, and embrace a false Religion, and Will-worship, and engage to Serve and Worshipp false and Idol-gods at his pleasure: For thus all that is dear and dear to a People being in the extremity of hazard; now it necessarily followeth to be the Duty of such People, or any part of them, to take up Arms in Defence of their Lives, Law, Religion, and Liberties, and of their Posserty, that they may not be left in such an intole-

Mitchel holds, That none are Lawful Magistrates but those that have such qualifications as he reckons up, which if they want, it is then Lawful for above Order and Law, when a Man cannot touch except he be fenced with

People to take

up Arms to free

themselves

from their Bon-

dage to them.

intolerable bondage, and as they would not be accounted guilty of bringing God's Wrath upon the whole Land, *Jer. 22. 2, 3.* Hear the Word of the Lord, O King of Judah, &c. Thou and thy Servants, and the People that enter in by these Gates, execute Judgment and Righteousness, and deliver the Oppressed out of the hand of the Oppressor, *Chap. 37. 2.* But neither he, nor the Servants, nor the People of the Land hearkned to the Prophet Jeremiah, until Wrath from the Lord consumed them all: Now, had it not been the Peoples Duty, to have executed Judgment and Righteousness, and to have delivered the Oppressed out of the hands of the Oppressor; Zedekiah and his Servants (which I think was meant by the Nobility and Princes) proving deficient, in order to the performing of their Duty, it necessarily followeth, to be the Peoples Duty; For if it had not been their Duty, it had not been their sin to have omitted it: But here we see it is as well charged home, to be the Peoples sin, as to be the sin of the King, or the sin of his Nobles: But, say some, who shall be Judge in such Cases? To which I Answer, that the Law of God is the only Supreme and Infallible Judge in all such Cases; for what other Judge is, when two Kings or Monarchs fall out in War, neither of them being Subject to any other Judge. But some profane and brutishly ignorant malignant saith, that this or that Ignorant Fellow, or Hussy, take upon them to determine what the Law of God saith in such Cases: I Answer, neither this, nor that Ignorant Fellow, or Hussy, nor yet this, or that Ignorant, Profane, Wicked, or Perfidious Prince or Princeps, is capable to be Judge, *Deut. 30. 11.* For this Commandment which I command thee this day, it is not hidden from thee, neither is it far off, *verse 12.* It is not in Heaven, that thou shouldest say, Who shall go up for us to Heaven and bring it to us, that we may hear it and do it, &c. Neither is it beyond the Sea, &c. but the Word is very near unto thee, in thy Mouth, and in thy Heart that thou mayst do it; *And in this case I do appeal to any Man of a Sober Wit and Judgment, seeing the Secrets of the Lord are with them that fear him, Psal. 25. 14.* And seeing evil Men understand not Judgment, but they that seek the Lord understand all things, *Prov. 28. 5.* For they know not how to do Right, who strew up Robbery in their Palaces, *Amos 3. 10.* Who is most capable to Judge, what the Law of God determineth, in all such matters? Artaxerxes a great Monarch commanded, That whatsoever is commanded of the God of Heaven, that it should be diligently done, for the Honour of the God of Heaven, for why should there be Wrath upon the King and his Sons, *Ezra 7. 23.* But O how many Men at this time, of the Sons of Belial, contrary to what is here spoketh of, screw up those who are above them to so high a Pinnacle, and an illimitated and Arbitrary Power, far above what either the Law of God, or the Law of Nature will admit of for this very end and purpose, that they may glory in the works of their own hands, and that be whom they have thus set up, and to whom they have made a surrender of both Credit, Conscience, and common Honesty, may return unto them a Power over others, who are under them, by putting Swords in the hands of Bloody Cut-throats; who are raised and kept up for that effect, to keep and bring into an Egyptian Bondage, the Persons, Lives, Laws, Liberties, yea, even the Souls and Consciences of the Lord's People: The which Power, I declare, to be Diabolical, Profane, and Blasphemous, and Pharaoh-like to say, Who is the Lord that they should obey him, *Exod. 5. 2.* Now seeing both the Throne and the Judgment is the Lords, then O Blessed and Happy Magistrate, who Ruleth and Governeth his Subjects, keeping in a straight Line of Subordination to God's Law and Statutes; for in so doing, whom may say to him, what dost thou? *Prov. And O Happy and Blessed People thus Governed, Deut. 4. 8.* And what Nation is there so great, that hath Statutes and Judgments so Righteous, as all this Law which I set before you this day. But O the Blasphemous Perjuries, and Wickedness of this Apostate Generation, wherin no Bands, Obligations, nor Covenants can bind, except such spoken in the 149 Psal. 8. But shall they thus break the Covenant, and escape and be delivered? *Ezek. 17. 15, 18.* As if the Lord's Hand and Power could not reach them, to inflict just and due Punishment upon them which commit such things. I do detest and abhor that woful Indulgence and Incroachment, and Usurpation on the Crown and Prerogatives Royal of our Lord Jesus Christ (at least in the groves thereof) howbeit, I have very much Love, Charity, and Affection to many who have embraced the same, for I do really think, that they have been out-witted in that matter, and have not wickedly departed from following the Lord; yet I hope they shall yet their Souls for a prey in the day of the Lord, although they may suffer loss, in building such Hay and Stubble upon the Rock Christ

If the Prince neglect the Advancement of God's Worship and Service, it falls then to be the work of the People.

Christ Jesus, when that their work shall be burnt up by the fire of his Jealousie.

I protest before God, Angels, and Men, against all these Acts of Parliament or Council, which are against, and derogative to the work of God and Reformation, and carrying on of the same, according as we are engaged and sworn in these holy bands of contrary to the National Covenant, and Solemn League and Covenant; I abhor the shedding of the Blood of the Lord's People, for their adhering to the same, and the Peoples guarding such in Prison-Houses and as Scaffolds unto their Death; whom both by the Oath of God upon them, and by the eminent and laudable Laws of the Land, and by the Law of Nature they were obliged to have defended to the uttermost of their Lives and Fortunes; It being most well known, that such as were put to Death, had committed no Crime, but on the contrary had performed a Duty, which they were as much obliged to have performed as these, if the Guards had been as faithful to God and Man as the Pannels were.

And against the Likewise I protest against their Banishment, Imprisonment, or Finings, or Persecution (as finements, and against all the hardships and perplexities of whatsoever kind, which he calls it) of they have been put to, through the Iniquity of the Times: So that we may justly wish our Predecessors say, That our Persecutors have devoured us, and have crushed us,

have emptied us, swallowed us up like a Dragon, and have filled their bellies with our Delicacies, and have cast us out, Jer. 5. 34. For which cause, God gave a charge to prepare Instruments for the overthrow and destruction of such Persecutors, v. the 12. Because it was the Vengeance of the Lord and of his Temple, so shall our Remnant who out-live these Persecutors, say, v. 35. The violence done to me and my flesh, be upon Babylon, and my blood be upon the Inhabitants of Chaldea; let wrath from the Lord pursue them, for their blood and violence in their Persons and Estates, and their strength, wherein they confide, and in their Friends and Favourites, who have consulted and contrived within their wicked courses. I hope the time is drawing nigh, and that the joyns of their Loyns is loosing, their knees are beginning to smite one against another, Dan. 5. 6. and the hand-writing begins to be pourtrayed upon the Wall, because they have not considered what God did to their Predecessors, for their Idolatrous Pride and Wickedness; although they knew it, yet they are become more insolent in Idolatry and Wickedness, and daring against God than ever their Forefathers presumed to be, in meddling with the Vessels and Materials of Gods House, and with the Crown and Kingly Office of Christ Jesus, and have appropriate them to their own Idolatrous ends and uses, 21. 22. Therefore, when the forsaken Sword of the Lord's Indignation and Justice breaketh forth to devour, which it may do, before the dark night of these dreadful Dispensations pass over, then shall the Time-serving Hypocrites of this Generation begin to their unsound Prayers, viz. Hills and Mountains fall upon them, to hide

them from the face of the Righteous Judge, for who may abide the day of his coming, for Executing of Vengeance on his Adversaries? In that day the Man shall be accused who keepeth back his Sword from blood, and who doth the work of the Lord deceitfully, Jer. 48. 10. Yea, Happy shall be he that taketh this Cursed Malignant, and Prelatical Brood, and dasheth them against the Stones; yea, Happy shall be he that rewardeth them as they have served us, Psal. 137. For this Honour have all his Saints, the Prelates, &c. the high Praises of God in their mouth, and a two-edged Sword in their hand, to execute Vengeance upon the Heathen, Psal. 149.

Having thus delivered my self in the points that I have mentioned, I only add to what I have said, that I do only own these things as my own Judgment in these great and Important matters, not willing that any thing wherein others may differ from me, should be looked upon as the principles and persuasion of that Party whereunto I adhere: And I obtest that no man be so Diabolick and Profane, as to charge this upon any of my persuasion, it being but my own, in which I hope, God hath approven me, and whom God Justifieth, who dare Condemn?

Now, if the Lord, in his wise and over-rueling Providence, bring me to the end of my Pilgrimage, and to my long looked for and desired Happiness, let him take his own way and time, in bringing me to it: And in the mean while, O my Soul, sing thou this Song, Sprung up, O Well of this Happiness and Salvation, of all this eternal Hope and Consolation, and whilst thou art burthened with this clog of a clay Tabernacle, dig thou deep in it, by Faith, Patience, Hope and Charity, and withal the Instruments which God hath given thee; dig in it both by Precepts and Promises, dig carefully, and dig continually, ay and till thou come to the Source and Head of the

He pretends to fore-tell that the time will come when the Chosen People shall execute Vengeance upon the whole Party.

Fountain himself, from whence the Waters of Life flow, forbidding, until thou come to the Assembly of the First-born, when this Song, the most fitly sung to the Praise and Glory of the rich Mercy and free Grace of the Fountain of Life. O my Soul, follow (in all the digging) the Direction of the great Law-giver; so shall thou prosper in all thy taking of pains: O happy Nobles and Princes of Israel, who were admitted to the light, and to the Song, to the pains, and to the profit, which none of the mixed multitude of Murgurets were admitted to, because of their unbelief, Numb. 21. 17. And, O Father of Mercy, while I am tossed upon the turbulent seas of manifold troubles, grant that thy presence may be with me, and that thy Everlasting Arms may be underneath me, to support me; for sure I am, Moses by Strongs had past reason to be importunate in this suit, Exod. 32. 2. compared with 14. and 35. v. Chap. 32. 9. Seeing no less could furnish him with fresh supplies in the work he was about. O let thy presence be with me, and then my Soul shall dig and sing, and sing and dig through times of trouble, into Eternal Rest; where I shall be admitted to behold the Rock Christ, out of whom floweth the pure Fountain and River of Life and Happiness, which I may drink, and not be damned, through the assaults of Satan, or the invitations of sin; or of a wicked world any more; now according to thy promise, Mat. 16. 19. Out of thy Fatherly Mercy, grant present help, supply, and direction to the time of trouble, seeing it is not in man that walketh, to direct his own steps, Jer. 30. 23. and though it be a hard thing rightly to distinguish between Sin and Duty; yet thy Law, thy Word, and thy Truth, which are quick and powerful dividers, dividest Soul and Spirit,

He prays for
God's assistance
and direction in
this time of
trouble.

and thy Truth, which are quick and powerful, dividing again of Soul and Spirit, and is a director of the thoughts, and thy Law giveth light, Psal. 119. 105. Psal. 119. 8. For thy Testimonies, O Lord, are sure, making wise the simple, Psal. 19. 7. For thou alone canst make all thy Dispensations prove profitable, in order to the putting away of Sin, even when they seem to be destructive, Esay 28. 9. especially, when thou intendest them not for destruction, but for tryal, Deut. 8. 2. 16. and for further Humiliation, for thou, O Lord, hast led me for many years through a barren and wearisome Wilderness, to the end, that thou mayst work thy work of Mortification in me, although, if it had seemed good unto thee, thou couldst have brought me into the Land of Promise and Rest a nearer way, Exod. 13. 17. For thou by hardships, many a time biddest Pride from men, and sealtest up their Instruction, that thou mayst deliver his Soul from the Pit, and that his life may see the light, Job 33. 27. And although thou, O Lord, shouldest send me the back track, and tends of my Life, to seek his Soul's comfort, and encouragements from thence; yet I bear no unfeigned complaint of hard dealing from thy hand, seeing it is thy ordinary way with some of thy People, Psal. 4. 6. O God, my Soul is cast down within me, therefore will I fainter than from the Land of Jordan, and from the Hill Hermon, &c. Yea, the last time he brought me to the Basseterre-house, and made loose his Battine over me (amongst the cold Highland Hills before Kipper, Nov. 1672.) he remembred his former kindness toward me; but would he spoke it in mine Ear, that there was a tempestuous storm to meet me in the Face, which I behoved to go through with the freight of rain provision, 1 Kings 19. 7. And now, O my Soul, seeing it is thy ordinary way and method with thee, to send a shower, and a sunblink, and again a sunblink and shower; therefore, keep thine heart to God, and instruct me, free me, but not disquieted, to follow and be content, seeing all my Persecutors are despoiled by fraud or force, and nothing alter the nature or kind of my sufferings, or add so much as a degree thereof, until I meet out the time of them for a moment, Mat. 26. 29. Exod. 12. 40. All Pharaoh's Power could not keep Israel one Night longer in Egypt, therefore it is my Duty to study with Faith, Psal. 4. 11, 12. Whatsoever state I am in, therewith to be content; and say, Shall the Earth be forsaken, and the Rock be removed out of its place for me? Job 13. 4. Shall God alter the course of his Providence for me, as which above is just as efficacious to carry all things to the proper and appointed end, with his infinite Power? And that I may be found in him, not as having my own Righteousness, which is of the Law, but that which is through the Faith of Christ, the righteousness which is of God by Faith, Phil. 3. 9, 10. And so refuge up unto God my will and affection, to be disposed as he pleaseth, and to say with Fear, Humility, and Reverence, O Father, not my Will, but thine be done; and whether I live or die, Praise be the Lord, that through his Mercy and Grace, I may attain to his approbation; yea, Well done good and faithful Servants, who have bittered for his Angels, and that the Lyon Mouth that they have not hurt me, Dan. 6. 22. and who hath so stell the eyes of my Persecutors

And resigns
himself (as
much as words
can do it) in-
to God's hands.

with a Sodomitish blindness, that hitherto they could not find out the way, how to break in upon me; and I hope, he will in due time bring me out of the fiery Furnace, and shall not through his Grace, suffer the smell thereof to be found upon me; and if not, yet I never hold it to be my Duty to Worship this rotten and stinking Idol of Jealousie, which these Nations have set up, who have killed both the Lord Jesus, and their own Prophets, and have persecuted us, 1 Thes. 2. 15. For thou, O Lord, hast not abhorred nor despised my Afflictions, when I was Afflicted, neither hast thou hid thy Face from me, but when I cryed unto thee thou heardest me, Psal. 22. 24. Now, O Lord God, thou hast made the Heaven, and the Earth by thy great Power, and stretched-out Arm, Jer. 32. 17. Bring thou me at length to a happy arrival within the Gates of the New Jerusalem, where no unclean thing can come; that my praise may be of thee in the great Congregation. And although, as Job saith, Chap. 10. 17. That thou, O Lord, hast delivered me to the ungodly, and hast turned me over into the hands of the wicked, yet by this I know, that thou, O Lord, favourest me, because mine Enemies do not triumph over me; when I stand in Judgment, thou, O Lord, didst not condemn; and if it please thee, thou will not leave me in their hands, Psal. 41. 11. Psal. 37. 33. But come bring up my Life from the Pit of Corruption, Jonah 2. 6. And seeing I have not preferred, nor sought after mine own things, but thy Honour and Glory, the Good, Liberty, and Safety of thy Church and People, although I may be now mis-constructed by many; yet at length, I hope, thou Lord, will make my Light break forth as the Morning, and my Righteousness as the Noon-day, and that Shame and Darknes shall cover all who are Adversaries to my Righteous Cause; For thou, Lord, art the Shield of my help, and the Sword of my excellency, and my Enemies shall be found Liars, Amen, yea, and Amen.

James Mitchel.

Reflexions on
the fore-going
Paper.

§. 9. **A**ND thus I have given you the whole *Suffrage* and final Conclusion of this most *Villainous Paper*, in which you find the Author Discouraging in some places like a *Jesuite*, in some like an *Enthusiast*, and in many places like both. And from the beginning to the end of it he Argues from the supposed *validity* of the *Judicial Law*, which God gave the *Israelites*, not as their God, but as their *Political Sovereign*, and which they on the other hand received from his *Infinite Majesty*, not on a *Moral Account*, as his *Rational Creatures*, or the Sons of *Adam*, or *Noe*; but upon the Account of the *Civil Relation* they had to him as *Subjects*, or *the People* in a *Political sense*. For the *Jewish Government*, as all their Writers agree, was a *Theocratical Constitution*, or the *Temporal Kingdom* of God; who was pleased to become *Februa-b-Sator*, and *dwell* among them in a *visible external manner*: In so much that the *Judges*, and *Kings* were but *High-Commissioners*, and *Vice-Rois*, who were *Chiefs*, and *Deposed* by him at his pleasure, and like *Abel* and *Jephun*, his first two *Generals*, could neither make *War*, nor *Peace*, nor undertake any *State-matter* of great moment, without first asking *Counsel* of the *Lord*.

Mitchel's Arguments founded upon the supposed validity of the *Judicial Law*, which God gave the *Jews*, not as their God, but their Political Sovereign. Our Saviour's coming to break down the Wall of partition betwixt *Jews* and *Gentiles*, hath made the *Jewish* Economy perfectly inconsistent with the whole design of the *Gospel*.

Sometimes he answered them by *Messengers*, or *Prophets*; sometimes by *Dreams* and *Visions*: but most commonly in the time betwixt *Moses* and the *Captivity*, by *Urim* and *Tummim*, which was a *Political Oracle*, appointed on purpose for the *Judges*, *Kings*, or *Generals*, or the whole *Congregation* to consult in *Matters of State* and *War*. But our *Saviour*, who came to break down the *Wall of Partition* betwixt the *Gentiles* and the *Jews*, threw his *Father's Inclosure* into the *Common* again, and put an end to his *Political Government* over the *Jews*. Who had they embraced *Christianity*, and continued in their *Country*, as one *entire People* to this day, would not have been obliged by their *specific Judgments*, and *Statutes*, wherein their *Civil*, *Criminal*, and *Military Laws* consist. No, the whole *design* of the *Gospel* is so inconsistent with the *Jewish Economy*, that it is impossible for *Christians* to observe some, *ridiculous* to observe others, and *impious* again to observe others of their *Judicial Laws*. Of the *last* *four* are all those which God gave the *Jews*; as *Carnificis Gentium*, or *Executioners* of his *Wrath* upon the *Seven Idolatrous incorrigible Nations*, as likewise all those

those Capital Acts against Idolatry, or High Treason to his Government, and inconsistent with the design he had to be King, as well as God of the Jews, whom he set up as a light among the Gentiles, and secured them by those great severities from falling into Demonolatry, which was the Catholique Religion of the World.

This was the general Opinion of all Christians, till the Romanists began to argue by false Analogy from things and persons in the Jewish, to things and persons under the Christian Dispensation, and from them it was, that the Presbyterians first of all learn'd to defend Murders, Assassinations, Robbings, and Massacres, as you see this Villain hath done.

Pope Adrian the Sixth mov'd the Princes of Germany to cut off Luther, and the Lutherans, because (forsooth) God cast Corah and his Company down into Hell, and commanded, that all those should be put to death that would not obey the High Priest. And as *Devila* relates in the Ninth Book of his History, the Pope compared the Duke of Guise, that Patron of the cursed League, to *Judas Maccabæus*, and the *Jesuites* complemented him with the name of Gideon, and bid him go on, and prosper in the name of God. According to which damnable notion of false Zealotry, when they Consecrate an *Assassine* (as *Hospinius* hath proved they sometimes do) to *Murder* an Heretic Prince, they Solemnly Consecrate him to the work of the Lord in such a like form as this. *Thou Elect Son of God, take here the Sword of Gideon, the Sword of Jephthah, the Sword of Sampson, the Sword of David, the Sword of the Maccabees, go, and be of good courage, and the Lord strengthen thy Arm.* Can any thing be more like Mr. Mitchel's Justification than this? Would not one think his Soul had entred into that Secret of the *Jesuites*, seeing he hath not acted only like one of their *Assassines*, but written his *Apology* with their *poisoned Ink*. If Father Brown the *Jesuite*, that Preach'd among them so many years, had penn'd it, could it have favoured stronger of the Society of *Jesuit*, or become such an *Author* better than it doth? He boast'd on his Death-bed at *Ingeston-briggs*, that he had Preach'd as *down-right Popery* in our *Field-Coven- ticles*, as ever he had Preach'd in *Rome* it self; and had he been the *Author* of this Paper, he might have also boast'd, to the comfort of his departing Soul, that he had written as true a Papistical Pamphlet, as ever was written in the *Romish Church*. I think there is great presumption to assert, that the Father might help to indoctrinate Mitchel in this *Mystery of Iniquity*; but if he did not, yet both he and the Author of *Napthali* might invent these *Doctrines* without consulting *Jesuites*, seeing it is the Cabala of their own *Seft*.

For this way of Arguing to do mischief from the *Judicial Law*, was the *Logick* of our most Primitive *Presbyterians*, which hath ever since caused so much *ruine* and *blood*.

For in the Convocation at *Edinburgh*, Jan. 1560. for Ratification of a new form of Church-Policy, it was Enacted, that all *Monuments* and *Places of Idolatry*, by native most Primitive *Chappels*, *Cathedral Churches*, and *Colleges*, should be suppressed, whereupon through the instigation of *John Knox*, ensued (faith my *c. Author*) a pitiful *Vastation* of *Chappels*, and *Church-buildings*, so that the *Liberaries* nor *Church-Registers*, nor *Sepulchres* of the *Dead* were spared. And some ill-advised Preachers (faith he) did animate the People in their *Barbarous proceedings*, crying out, that places, where *Idols* had been Worshipped, ought by the *Law* of *God* to be destroyed, and that the sparing of them was the revering of things execrable; as if (he subjoyns) the Commandment given to *Israel* for *destroying the places* where the *Cananites* did *Worship* their false *Gods*, had been a *Warrant* for them to do the *same*.

I confess the *Council of Carthage*, in the time of *Honorius*, Decreed, that the Emperors should be Petition'd to *razz* the *Temples*, and *destroy* the Reliques of Heathen *Idols*; but it was because in *Maritime*, and other places of *Africa*, *Idolatry* was yet professed in *them*, and not from any sense of *Duty* incumbent upon them from the *Mosaic Law*. For that as well as the *Latin* and *Greek* Churches had converted the *Temples* of *Idols* into the *Churches* of *Christ*; but as for the supernumerary useles Company of them, which remain'd as *Snares*, and *Monuments* of the Dominion which the *Devil* had had in the *World*, they thought it both for the *Honour* and *Interest* of *Christianity*, that they should be taken away.

In the following year, 1561. although Queen *Mary* had agreed with the Council, That She should have her own *Services* in her own *Chapel*, yet the next day, when the *Tapers* were carried through the Court, a Zeal of Mr. d'Spotsw. &c. L. 4. *Mitchel's Principles* fell upon him that bore them, and broke them all in pieces, and had not the *Tapers* been timely suppressed by some moderate *Spirits*, abominable *Barbarities* had ensued; An. 1561.

for some maintain'd, that if right were done, Her *Majesties* *Priests* should have been slain, according to *Gods Law* against *Idolaters*. It would be endless to trace these *Principles* down from the time of the *Original Presbyterians* to these unhappy days; you may see enough of them in the *Parliament Sermons*, and innumerable other *Pamphlets* of the late *Times*. How often did the late *Presbyterian Preachers* commend the *House of Commons* for their *Zeal*, and ransack the *Old Testament* for *Examples* and *Precepts*, to perswade the *giddy Vulgar*, that the *Rebels* fought the *Lords Battels*, and that their *Cause* was *hur*? How often did they compare the *most active* of them to *Gideon*, *Samson*, and *Phinehas*, and complement the *Worriers* of the late long *Parliament in England*, as *Gregory the 15th*. Complementing the last King of *France*, when he raised an *Army* for the extirpation of the *Protestants*, in the *Glorious Name of the Lord of Hosts*? Did not that *darling* of the *Faction*, Mr. *Calamy*, in the *Bloody Speech* which he made in 43. at the *Guildhall of London*, to the *Citizens*, (to perswade them to contribute largely towards the bringing in of our *Scattis Army*) justify himself from the objection of his own *tender Conscience*, that he being a *Minister of the Gospel*, should stir them up to make *War*, by taking an *Apology* from *Numb. 10.* and *Deut. 20.* where *God Ordained*, that the *Sons of Aaron the Priest* should sound the *Alarm* with the *Silver Trumpets*, and that the *Priest* should make a *Speech* to encourage the *People* going out to *Battle* to fight for the *Lord of Hosts*. So that *Naphthali*, *Nebusaian*, and *Mitchel's Papers* are but the last improvement of the *Presbyterian Logick* and *Zeal*, which makes our *Conventicle-Preachers* ride about with *Guards*, like *petty Princes*, and their followers, more like *Souldiers* than *Christians*, come *Armed* by *Thousands* into the *Field*.

The Whigs arrived to the highest pitch of Enthusiasm, and are as ready to do as much for the *Spiritual*, as the *Fifth-Monarchy*-Men are for the *Temporal Kingdom of Jesus*.

Scotsland intended to the Duke of *Lauderdale's* *Wisdom* and *Conduct* for its *Peace* and *Quieter*, who had a very Glorious Reception; but soon after his arrival was surprized with the *News* of great *Insolencies*, &c.

The Duke of *Lauderdale's* good Intentions at the *Parliament* in 1674. (he being then His Majesties High Commissioner)

§. 10. They are now arriv'd at the highest pitch of *Enthusiasm* and *Bigotry*, and are as ready upon all occasions, to do as much for the *Spiritual Crown of Christ*, which they think inconsistent with the *Mitre*; as the Men of the *Fifth Monarchy* *Principles*, are ready to do for the *Temporal Kingdom of Jesus*. So that if *God* in his good *Providence* had not sent down the Duke of *Lauderdale* among us to prevent the *storms* that were ready to arise, in all humane *probabilities*, this *Kingdom* had been involv'd in such a violent *Rebellion*, as could not have been quell'd without *extrinsical force*. His *Grace* came hither without any prospect of *trouble*; and the incredible numbers of *Nobility* and *Gentry*, that throng'd to *meet* him several days *Journey* on *English ground*, were enough to make him *presume* that all would be *quiet* and *serene*. But he had not been many days among us, when he was *surpriz'd* with the *News* of great *Insolencies*, and *Disorders* caused by the *Field-Carrion-tales* in the *West*.

Now, to make you understand what *Wind* blew up that *secret flame*, and how those *evil Principles* probably came to be put into *fermentation*, I must lead you back to the year 1674. when *some*, whose *discontents* far exceeded their *Causes*, under the old *pretence* of redressing *Grievances*, did design *something else*, and thereby almost render'd the *Parliament* *useless* for the *Publick ends*, for which it was *called*.

The Duke of *Lauderdale* was then His *Majesties* *High Commissioner*, and there was *no* *one* *real grievance*, of which he himself did not propose the *removal*; nor any *pretended*, concerning which he was not willing to *treat*: And if it were found to be *really such*, to have it redress'd in an *orderly*, *fair*, and *legal manner*, according to the *Fundamental constitution of the House*. But this would not satisfy their *discontents* (which enough demonstrates, that *something else* was designed besides the *removal of Grievances*), whereupon his *Grace* returning to *Court* to give an *Account* of Affairs to his *Royal Master*, such great *Confusions* appeared among us, as naturally follow *palpitated discontent*. Then did *Wells*, and other declared *Treasons*, take the *confidence* to *Preach* openly in *Life*, and *Taint-dale*, which before had been *orderly* *places*; and there they were *entertained* and *encouraged* to *Debauch* the *People* from their *Duty* to the *King*, and the *Church*. And if these *bold Attempts*, and *disorderly Practises* had not

not then beene timely quell'd by his Grace's care and conduct, it is easie to divine to But the Confusions which what eminent hazard our Peace and Government had been expos'd.

Whether our Fanicks were then under-hand encouraged to commit these Insolencies, by designing Malecontents, time the revealer of Secrets may shew; but it is beyond all peradventure, that *Scandalum* and *unseasonable divisions* caused by *nothing* but *Envy* and *Discontent*, did then animate, and embolden them to these turbulent Practices; and therefore it seems not improbable, that the same *Discontented Party* envying the Duke his glorious Reception, and the just esteem he hath with his Prince, and *Envy* at the intending to frustrate his best Counsels and Endeavours for preserviring this, and by consequence the Kingdom of *England* in *Peace*, have now *Conjured* up the *Fanatical Spirit* again, to act in more *insolent irregularities*, than at any time heretofore. But let the *Cause* be what it will, the *Conventicles* were never so numerous and frequent, as they now began, and sometime after continued to be in *Fife*, *Clid/dale*, *Triviot-dale*, *Galloway*, *Sterling-shire*, and *Carrikt*; the *last* of which *Shires* had always been peaceable and orderly till now, when they all conspired to invade the *Publick Peace*. At these *Field-Conventicles* would meet sometimes five or six thousand, sometimes eight or nine thousand at a time, as many of which as were fit to bear Arms, and could provide them, never failed to come appointed into the *Field*. For this Reason our *Laws* and *Proclamations* stile these *Field-Meetings*, *Rendezvous*es of *Rebellion*, which is as modest a Name as they can deserve. For most of the *Principal Preachers* among them, as *Welsh* and *Arnott*, are either attainted or declared *Traytors*, and were *Actors* in the *Rebellion* of 66. and the *Harangues* (for I will not call them *Sermons*) which they make to the *People*, tend to nothing but to make them *Rebel*, and possess them with *bated* against the *King* and the *Church*. In *October* last at *Sancbil* in *Carrikt*, Mr. *Welsh*, attended with *seven or eight* *Seditious Preachers*, made a *Preachment* to the *Principal Division* of a multitude upwards of *7000* *People*, upon *St. John* 11. 34. 35. In this *Preachment*, among other *Treasonable stuff*, he spoke these words. *The King, the Nobles, and the Prelates, are sure the Murderers of Christ*; and then sitting down in his *Chair*, he said, *Oh People, I will be silent. Speak, O People, and tell me what good the King hath done since his home-coming; yea, hath he not done all before we were ne- the mischief a Tyrant could do—?* At another *Conventicle* not long after, he spoke thus, or to this purpose; *That he was confident, that God would yet assert the Cause of Pentland-Hills, in spite of the Curates* (for so they call the *Orthodox Ministers*) *and their Masters the Prelates, and in spite of the Prelates, and their Master the King, and in spite of the King, and his Master the Devil*.

But to proceed; at these *Field-Meetings* they Administred the *Solemn League* and *Covenant* to the *People*; and made them *swear* never to hear the *Orthodox Ministers* more; and in a most *Popish* manner, gave them the *Sacrament* thereupon. They also kept *Classical Meetings*, where they ordained *Ignorant* and *Factionous* *striplings*, and by an *unparalleled* *Act of Schism*, took the *Confidence* to re-ordain one Mr. *John Cummingham*, who was formerly ordained *Presbyter* by the late *Lord Bishop of Galloway*; and likewise presumed to receive the *Hypocritical Confessions* and *Repentatice* of such as they had *persuaded*, or *suborned* to confess the *great sin* of *joyning* in *Worship* with our *Church*. They admitted *Ruling Elders* in several *Precincts*, and with incomparable *Impudence* proceeded to *Institute*, and *induct* *Preachers* of their *Tribe*, both into *vacant* and *full Churches*; according to Mr. *Mitchel's Judgment*, who affirms in his *Apology*, that every *Parish* ought to choose its *Preacher*, and that *Patronage* is but a *Popish Rite*. They also confiding in their *numbers*, proceeded in manifest contempt of *Authority*, to erect *Preaching Houses*; particularly in *Carrikt* and *Galloway*, where Persons of no mean *Quality* and *Interest*, harbour'd and carefull'd those great *Apostles* of the *Cause*, *Welsh* and *Arnott*, who ride about these disaffected *Shires* in great *State* and *Security*, with *Guards*, consisting of *forty*, *fifty*, or greater numbers of *Horse*. From these *Insolencies* they proceeded to invade the *Houses*, and menace the Persons of some *Orthodox Ministers*, whom Mr. *Welsh* declared either in a *Conventicle*, or *Presbytery*, somewhere in *Carrikt*, that it was as *lawful to kill*, as for the *Israelites* to kill the *Canaanites*, if they complained to the *Men* (for so he called the *Magistrates*) in *Power*. These *out-rages* so frightened the *Orthodox Clergy*, that many *Ministers* forsook their *Charges*; and some of our *Bishops*, who lived in those *distracted corners*, were forced for their *Security*, to repair to this *Town*. Thus all things seemed to run into *Confusion*; and if excellent *Methods* had not been used to prevent the *sequel* of such

such dangerous beginnings; the *Faction* by this time had grown into a formed *Party*, and disputed the *Cause* with an *Army* in the *Field*.

§. II. The first thing the *Privy Council* did, was to issue out *Proclamations* for the execution of the *Laws* against these *Conventicles*; and to use all means possible for seizing the Persons of *Welsh* and *Arnott*, and other *Seditious Preachers*: But the former were rendered ineffectual, the *Habitable Sheriffs*, and *Bayliffs*, and other Officers of the *Seditious Districts* refusing to *Act*; and the latter could not be brought to *effect*, because the *Preachers* are always so strongly *Guarded* in *Publack*; and in *private* shelter themselves with such *Superstitions adorers* of their *Holy Persons*, as none of the proposed *Rewards* can tempt to *betray*. Disorders thus continuing, the *Council* acquainted *His Majesty* with the dangers they threatened, and bumbly moved him to send *speedy Orders*, that a considerable number of his *Irish Troops* should march to the *Maritime Borders* next adjacent to *Galloway*, and the *Western Shires*, to be ready for *Transportation* if occasion required. *His Majesty*, who was long since acquainted with the *Spirits* and *Principles* of our *Remonstrant-Prasheterians*, in complyance with the wholesome *Advice* of his *Privy Council*, immediately ordered, that a well-appointed *Party*, of about 3000 Horse and Foot, should be sent under the *Conduct* of the *Loyal*, and *Valiant* *Viscount of Granard*, our *Courtney-man*, to quarter upon the *Maritime Borders*, and to march at the *Command* of the *Privy Council* here. This particular care of *His Majesty*, and the *approach* of the *Forces*, did very much surprise the *Fanatical Party*, who were made to believe by the *Malecontents*, that the *Duke* had no *Interest at Court*, nor was capable to procure any *extrinsical assistance*, although they should *Rebel*. The *Irish Forces* being arrived upon the *Coasts*, the *Council* were resolv'd to try what *fair* and *gentle* means would do; and thereupon directed *Letters* to the *Heritors* (whom you call *Land-lords*) of *Ayr* and *Renfrew*, to know if they would undertake by their own *Power* to reduce these *disorders*, having the *King's Authority* for that effect. The *Heritors* met in a full *Assembly*, and after two days *consultation*, returned *Answer* by three *Noble Lords*, whom the *Council* had sent to attend them, that they could not undertake by their *own Power* to keep the *Country* free from *Conventicles*, or any *disorders* that might ensue thereupon.

The *Heritors* commanded to repress these *Disorders* by their own *Power*, but they Answered, they could not do it. Land-lords in *Scotland* have a far greater *Power* over their *Tenants*, than they have in *England*. You must know that our *Land-lords* have far more *Authority* over their *Tenants*, than yours; insomuch, that in the most *disaffected* places, there are no *Conventicles*; where the *Heritors* and *Superiors* use their *private Authority* to keep the *People* *confus* to the *Church*. All the *World* here knows, that there is not a more *Fanatical Shire* in this *Kingdom* than *Murray*; and yet by the *single Authority* and *Interest* of that most *Loyal* and *deserving* Person the *Earl of Murray*, it is kept in as *perfect Order* and *Obedience*, as if there were no *Conventicles* in the *World*. But, as for the aforesaid *Shires*, the *Council* expected no such *Answer* from them, because they of all others have had most *Indulgence*, as having *Non-Conformist* *Ministers* *legally* settled in very many *Churches* among them; which one would think, if that *Party* had any *Reason*, *Mind*, or *Conscience*, might have kept them from troubling the *Publack Peace*. Therefore the *Council* having received such an *unreasonable Answer* from the *Heritors* of these more *Indulged Shires*, concluded what *return* they might expect from others; and therefore began now to think it was high time to *reduce* them to their *Duty* by force. Whereupon, knowing that the body of this *Kingdom* was *Loyal*, they resolved rather to reduce the *Fanatics* by our own *intrinsical Power*, than to call in *His Majesty's Irish Forces*, unless there should be absolute *need*. Therefore, to the *King's standing Forces*, they added the *Adilisia* of the most *Loyal* *County* of *Angus*, and admitted the *Auxiliary Forces*, which several *Loyal* *Lords* that have *Interest* and *Authority* in the *Highlands*, did proffer to raise out of their *Vassals* and *Dependents* for *His Majesty's special Service* in this *critical exigence of Affairs*. And by *His Majesty's special Apportionment and Command*, they were all united into one *Army*, under the *Conduct* of the most *Valiant* and *Loyal* *Earl of Lin-Lithgow*, who towards the latter end of last *Jan*. marched into the *Western Shires*.

A Committee of the *Privy Council* sent with the *Army* into the *Western Shires*.

And that all things might be transacted in a *Fair*, *Legal*, and *Orderly* manner; there is also sent along with the *Army* a *Committee* of the *Privy Council*, consisting of *Eleven Right Honourable Persons*, who are invested with *sufficient Power*, *Civil* and *Criminal*, to punish all sorts of *Offenders*, and are now steadily purusing those great

An *Army* raised in *Scotland*, under the command of the *Earl of Lin-Lithgow*, to reduce the *Fanatics* to their *Duty* by force.

great ends for which they were sent thither. There's a strict Correspondence betwixt them and the *Privy Council*, to whom they send frequent accounts of their Proceedings, and from whom they receive such measures and directions, as may most conduce to reduce and secure those disorderly Shires. To which purpose, in the first place, they proceed to disarm them, causing all suspected Persons to deliver their Arms (whereof great Provision was made) to their respective *Sheriffs* upon Oath, who are to deliver them to the *Major-General*, and to be sent by him to His Majesties *Garrisons*. They have likewise Order to plant *Garrisons* in what places soever they shall think fit, and have proceeded to do Execution on the new built *Meeting-Houses*, those Temples of *Baal Berith*, by Commanding that they should be pulled down, and that their Materials should be burnt. They are likewise to tender a *Bond* to be taken by all *Heritors*, wherein, as *Masters of Families*, they are to be bound for themselves, their *Wives*, *Children*, and *Servants*, and, as *Land-lords*, for their *Tenants* and *Cottagers*, that they shall not go to *Conventicles*, nor receive, or supply *Conventicle-Ministers*, but live orderly in Obedience to the *Law*; so that if their *Wives*, or any of their *Children* or *Servants* Transgress, they will be bound to undergo the *Legal Penalties* for them. But in case their *Tenants* or *Cottagers* Transgress, they will be bound to present them to Justice, or turn them off their *Tenements*, or else to be liable to the *Penalties* they shall incur.

They have Orders to plant Garrisons, and pull down the new Meeting-Houses, &c. and to tender a *Bond* to be taken by all *Heritors*, &c.

The form of this *Bond*, or Civil Anti-Covenant, was drawn up by the *Privy Council*, and is as followeth:

I under subscribing, do faithfully bind, and oblige me, That I, *my Wife, Bairns, and Servants respectively, shall no ways be present at any Conventicles, and disorderly Meetings in time coming, but shall live orderly in Obedience to the Law, under the Penalties contained in the Acts of Parliament made there anent.* As also, I bind and oblige me, that my whole *Tenants and Cotters respectively, their Wives, Bairns, and Servants shall likewise refrain, and abstain from the said Conventicles, and other illegal Meetings not Authorized by the Law, and that they shall live orderly in Obedience to the Law.* And further, that I, nor they shall receive, supply, or commune with forfeited Persons, intercommuned Ministers, or Vagrant Preachers, but shall do our utmost endeavour to apprehend their Persons. And in case my said *Tenants, Cotters, and their forefaids shall Contravene; I shall take, or apprehend any Person, or Persons guilty thereof, and present them to the Judge Ordinary, that they may be Fined, or Imprisoned therefore, as is provided in the Acts of Parliament made thereon.* Otherwise I shall remove them, and their Families from off my ground. And if I shall fail herein, I shall be liable to such Penalties as the said Delinquents have incur'd by the Laws, consenting to the Registration hereof in the Books of His Majesties *Privy Council*, or Books of any other Judges competent, that Letters and Executivals may be direct hereupon in form as Effects and Constitutes my Procurators.

This is the tenor of the *Bond*; and lest the force thereof should be eluded, the *Privy Council* have declared, That every *Heritor*, that shall receive into his *Lands*, or *Service* any *Tenant*, or *Servant* of any other *Heritor*, without a *Certificate* from him, or the *Minister* of the *Parish* where they liv'd, that they lived orderly, as to this matter, shall be subject to such *Fines* as the *Privy Council* shall think fit to inflict to punish them for their *Crime*, and repair the *damage* that shall accrue to the *Heritor*, or *Master* whose *Tenants* or *Servants* they did receive. All the *Lords of the Privy Council*, and the *Judges* (whom we call the *Senators of the Colledge of Justice*) together with the *Advocates, Writers, and all others belonging to the Society of the Lawyers*, have taken this *Bond*, as also the *Lords of the Exchequer*, and the *Judicary Lords*, which is a very prevalent Example, and little doubt is made, but the generality of the *Subjects* of the Nation will chearfully sign it; as being so beneficial to *Authority*, and so proper an expedient to recover the *Common People* into their *Wits*. And it cannot possibly give the least umbrage of scruple to the *Conscience* of the most weak or peevish *Dissenter*; being nothing but a purely *Civil alternative Obligation*, to do what the *Law* requires, or submit to the *Penalties* therein contained. Perhaps it may seem strange in *England*, that

The preceding Bond taken by the Generality of the King.

that a *Land-lord* should be bound in this manner for his *Tenants*; but there is nothing more *reasonable*, and *customary* here; because our *Heritors* have such a *despotic Power* over their *Tenants*, as you cannot well imagine, unless you had lived here.

If any refuse to take the Bond, *Western Gentlemen* have made *difficulty* at it.) The *Privy Council* (according to they are to give the *Legal* and *uncontroverted Practice* of that *Board* in all *Agés*) hath ordained, that *Letters* shall be directed to them, to *charge* them forthwith to give in *Security* to His Majesties *Privy Council*, that *They*, their *Wives*, *Children*, *Tenants*, and *Servants*, shall keep His Majesties *Peace*, and particularly that they shall not go to *Conventicles*, nor harbour *Rebels*, nor *intercommuned Persons*, and that they shall keep the *Persons*, *Families*, and *Goods* of their *Regular Ministers* *harmless*, under the *double* of every *mans valued yearly Rent*, if he have any, or of such *Penalties* as shall be thought *convenient* by His Majesties *Council*, or their *Committee*, if they have *none*; which if they shall *refuse* to do within *six days* next after the *charge*, they are to be declared His Majesties *Rebels* (as the manner is here) with the sound of an *Horn*.

To conclude, the *Committee* is to proceed to the *condign Censuring* of *such*, as shall appear upon *proof* to have harboured *Welsh*, or *Arnott*, or other *intercommuned Persons*, and such also as have *invited*, or *convocated* the *filly People* unto the *Field-Assemblies*, under *pretence* of hearing *Sermons*, and such as contributed by *Money*, *Wark*, or *Materials* to build the new *Samaritan Synagogues*; two of which the *Earl of Casfels* was commanded to demolish in *Carriac*, as was his *Duty* to have done before.

All this done by the *Wife Conduct* of the *Duke of Lauderdale*, to whose *presence* among us, next under *God*, this poor *Church* and *Kingdom* are *redevable*, that they have been preserved from *Confusion* and *Blood*. And I question not, but his *Vigorous* endeavours to suppress this *Scism* (the like whereof in all *respects* was never yet heard of in any *Age*, or *Nation*) have by this time *effectually* Contended all the *lying Reports* that were sent into *England* by our *Men of Scism* and *Faction*, with a *Design* to render him *odious* in our *Neighbour Country*, and *discredit* his *administration* here.

§. 12. But I beg Mr. *Mitchel*, and your *Pardon*, for leaving him so *long*. I could not forbear to intersert this *Account* of his *Western Brethren*, whose *Confessor* he liv'd, and whose *Martyr* he dy'd. I'll now return to *visit* him again, and leave him no more, till I see him in his *Grave*.

He spake of his approaching Execution as a *Martyrdom* or *Murder*; and glory'd that he was accounted *worthy* to suffer for *Christ*. This is the *stile* of his *short Speech*, and the frequent *Visits*, *Papers*, and *Messages* that he received from the *Brotherhood* to dye with *Courage* in the *Cause*, and to *Seal* the *Truth*, that is, the *Covenant*, with his *Blood*, together with the frequent *Debauches* which he made with *Ale*, *Wine*, and *Brandy*, glorified that he contributed *very much* to heighten his *obstinacy*, and make him insensible of his *Crime*.

You cannot imagine how much the *Fanaticks* of all parts were concerned about him. From the *West* a private *Message* was sent to the *Arch-Bishop*, to assure his Grace, *That if Mr. James Mitchel were hang'd, another should not fail to execute his Design*. His Majesty's *Advocate*, who purſu'd him, received a *threatning anonymous Letter*, and the common talk of this *Town* was, that Mr. *James Mitchel's* *Blood* should be reveng'd upon the *whole Order*; and truly I doubt not, but if all the *Fathers* of our *Church*, and all the *Clergy* under them had but one *Neck*, that there are at least *300 Covenanted Mitchels* behind, that would strive to cut it off.

In the Year 1668. when he made the *Attempt*, the *Fanatical Party* made a *sport* of it; and as if the *Ruine* of the *Church* were sure to follow upon it, many fair *pretenders*, that out of *compliance* to Authority, had hitherto given our *Bishops* that particular *veneration* that was due to their *Character*, began now to *slight* them, and for the *Bishops*, would scarce give them that *common respect* which was due to other *Men*. The like *change* was observed upon the late *Insolencies* of the *Wigs* in the *West*; the *respect* of our *Bishops*, and *Episcopal Clergy*, began visibly to *decay*, and some that were then in a *condition* to do the *Factions* a *kindness*, had the *confidence* to say, that they knew no

Reason

Reason there was to oppose the *inclinations* of the People, to support about a dozen Men.

And while this *Martyr of Iniquity* lay in *Goal*, the mouths of our *Fanatics* were full of railing against the *Bishops*; and the *Rascality*, who are often taught to speak the *sense* of greater Persons, were heard to say, that it were better the *Primate* should be hang'd than be. In the *Ochave* betwixt his *Sentence* and *Execution*, he received, as I was credibly inform'd, 400 *Dollars* in *private* gifts, which was interpreted by the vate *Party* for the particular care that God had of him, who never sees *the Righteous* for *Dollars*. *saken, nor his Seed* begging *their bread*.

The day before his *Execution* he sent to the *Provost*, or *Mayor* of *Edenburgh*, to desire a *Stage* larger than *ordinary*, because he had a great *number* of *Friends*, that intended to appear at his *Execution* in *Morning*: But his *Lordship* was more *bonest* and *prudent* than to grant the *vain-glorious* Villain his desire. When he was upon the *Ladder*, he called the *Psalm* to be sung, which if you do not remember, I desire you before you proceed, to *confut*. When the *Psalm* was ended, he took out of his *Psalm-Book* two *Copies* of his intended *Speech*, which he threw among the *People*, for there had he put them to *elude* the *search*. After his *Body* was cut down, it was conveyed to *Magdalen Chappel*, from whence it was carried to *Burial* in great *Pomp*, being attended with at least 40 *Mourners*, whereof the *Justice General's Gentlemen* was one. 'Tis Reported also that the *Herse-cloth* was of *Velvet*, but certain it is, it was more than *ordinary* brave.

The *Evening* before his *Execution*, *Information* was brought to the *Provost*, that the *Women* of *Edenburgh* (I mean the *Fanatical* part of them) had entred into a *Conspiracy* to *Rescue* him between the *Prison* and the *Gallows*; which obliged his *Lordship* to provide *extraordinary* *Guards*, capable to prevent any such *Design*. This *Information* was well *grounded*, if it were not *true*, for there was never seen such an appearance of that *Sex* at any *Execution*, as was at *his*, where a *Body* of at least seven hundred *Sisters* stood together almost in *Rank* and *File*.

The next *Morning* after his *Execution* there were several *Copies* of his *Speech*, and to rescue him by some *Fanatick Poetafter*, and fixed upon the *great Cross*, I here send you, with an *Answer* thereto, which was made about two or three days after, by a *better Poet*, and *better Principled Man*.

Deploratio Mortis Jacobi Mitchel.

A Copy of Ver-
ses in favour of
Mitchel.

Heu quo *jura ruunt?* & *siccine candida Virtus*,
Et *Recti* *decessit amor?* *tibi Scotia malas*
Perfida Gens *parat infidias*, *rituque Profano*
Polluit Impietas sacraria; *membra piorum*
Ab truncata *iacent*; *qui sacri federa pacti*
Non ausi violare; *fidei rectique tenaces*
Perstiterant; *quo tanta ruunt perjuria?* *Quassam*
Funditus an tentant Solytam convellere, *magni*
Gens secura Dei, *speciosaque Templo Sionis*
Dirucere, *obducta* *involvens cuncta tenebris?*
Quo ruit Impietas? *vanas sic ibis in auras*
Pacta fides? *Perjura manus coit amnis in unum*
In scelus horrendum; *scelos feritato Leones*
Mittit in Occasum; *suscepta ut federa Regni*
Deleat, & *Christi* *priedetur ovile*; *cupido*
Namque tenet luci *nunquam satiata*, *nefandum*
Prob Scelus! *an Pharias miseri remeamus ad oras?*
Anne iterum nostrae *sic Religionis babemas*
Papa Reget? *nunquamne aderit Deus ultor*, *multis*
Dum pereunt justi, *dextraque ultrice furorem*
Comprimet? *hunc rabiosa lupi non terruit ira.*
Fraudibus occultis, *odisque immanibus amos*
Quatuor afflictum, *non cæco carcere clausum*
Vincula terribant, *vincula cruciatus in artus*
Perficit, *exiliisque tulit mala cuncta*, *reductus*.
Jus rigidum perpessus obit; *qui cætera nescit?*

Finis.

K

Epitaphium

Epitaphium ejusdem, ubi ipse introduciter loquens.

Quo vesana ruit gens, & vis effera præcepit?
 Quo ruit impetas, & sine lege furor?
 Rebus an intrepidi constantia viæ fatiscit?
 An mesuit vanas mens labefacta minor?
 In te fixa Deus mea spes, te intentus ambo,
 Intrepidus corpora te duce mortis iter.
 Sezvus at iste lupus, quia mens intelligit, inde
 Se sciat in magnum tela movere Deum. Finis.

Quo autem modo hactenus mortuo (cui soli Epitaphium ex vi vocis debetur) carpe-
 dum sit mortis iter, confederatis fratribus problema esto.

Congratulatio de morte Jacobi Mitchel Parricidæ.

IN te Jura cadant, quia a te candida Virtus
 Et Recti decepsit amor; tibi Scotia penas
 Perhida Grex! meritas parat: ab que more profano
 Fædasti Christi sacraria, membra piorum
 Tu truncata dabas, tu faci foedera paci
 Ausu novo violare; fidei recte tenaces
 Exilio multians; tua sic perjuria quassam
 Tenebant Solyam convulseri funditam, alti
 Genit secura Dei! Speciosaque Templo Sionis
 Divers, obducta involvens cuncta cerebra.
 Huc ruit impetas, tenues sic ivit in aurum
 Pector fides; perit a manus eis omnis in unum
 In scelus horrendum; se vesp feritate Leones
 Mitis ad Occasum, suscepit ut foedera Regni
 Dekat, & Christi prædatum ovile; Cupido
 Namque tenet lucri namquam satiata, nefandum
 Prob Scelus! in Pharias remouuisse oras.
 Atque iterum nostra sic Religionis babenos
 Papa regebat; adest nunc, nunc Deus ulti, insulti
 Ne pereant justi, dextraque ultrice fuorem
 Comprimet. Hunc Divina lupum non terruit ira,
 Fraudibus occulit odiisque immanibus actum;
 Graffantem rabie, solitæque cupidine cædis.
 Horruit ejectum Patria peregrinus, at eorum
 O cælum! exilii postquam mala tanta tulisset.
 Tormenta in Patria atque homicide vincula parantur;
 Tandem perstringunt sceleratum vincula collum.
 Exitus hic dignus tam prodigialibus auffis.
 Jus æquum perpessus obis; sed cætera nescit,
 Æternos quisque nondum damnatur ad ignes. Finis.

Epitaphium ejusdem, ubi ipse ab inferno introducitur loquens.

Quod vesane ruit Grex, & vis effera præcepit?
 Quod ruit impetas, & sine lege furor?
 Heu mea sero nimis constantia viæ fatiscit,
 Sera, sed atroci fanore poena venit.
 Jam Cælo extorri terror Deus ipse; coquenda
 Dum manus in Stygio Sanguinolenta lacu.
 Christi si quis adduc lupus expugnator Ovili,
 Se sciat in magnum tela movere Deum. Finis.

Iisdem pene verbis convellitur quibus adstruitur impetus. Ambros.

There

There was also a severe Satyr in *Scottish* made in Revenge to the many Libels, which the Fanaticks scattered about Town upon this occasion. I got a Copy of it, which I here present unto you, Entituled as it was to the Memory of Mr. James Mitchel.

A *Scottish* Satyr upon the whole Whig-gish Party, Dedicated to the Memory of Mr. Mitchel.

O-Y-E-S, Covenanter,
Filtby, Cruel, Lying Ranters;
Come here, and see your Murdering Martyr
Sent to Hell s't^h Hangmans Garter.
Your sealing Witnesses we bear
Are Mr. James Mitchel, and Major Weir:
One with his hand, but bad in pith,
Th' other your Wives know well wherewith,
Which makes them sigh, and fighting say,
Welsh can but Preach, but Weir could pray.
It's this that all Religion shames,
To give Hells Vices Heavenly names.
Then Devils, then cast off your Masks,
Murder and Whoredom are your Tasks,
Which you to all the World proclaim,
Boasting, and glorying in your shame,
And say, your Covenant doth allow
This, Maugre your Baptismal-wow,
And that the Holy Oath doth bind you
To leave such Holy Seed behind you.
For at, and after your long prayers,
* You lie together pairs by pairs,
And every private Meeting-place
Is made a Bawdy-house of Grace;
You shew it is your loving Natures,
To be sweet fellow-feeling Creatures.
But to profane your Holy Order
With Incest, Buggery, and Murder,
Is plainly to proclaim you Devils,
And horrid Crimes to be no Evils,
Mr. James Mitchel lay four years
In Griffald's House with Major Weir,
And from his Ghostly Father learns
To lie with Women, and get no Bams,
The Mystery of the Tribe, a Trick
Makes all the Women mad Fanatick,
And now they both in Hell are met,
Where for your Company they wait.
Then fill your measure, and Post on
To your deserv'd Damnation.
Go Whore, and Bugger, Kill, and Pray,
Till every Dog shall have his day;
Or go together to Hell in Troops,
Else strive for new Grafs-Market-loops;
He that Whores best, and Murders most,
Of him the Sect shall always boast.
And put him, as they've pas Mr. James
Among their Saints and Martyrs Names.

* Which is so far from being a Poetical Fiction, that I have heard the late Earl of Weems say, that in Fife, after their *Conventicles* were done, they would lie together under the *Bushes* as familiarly as *Man and Wife*.

You

The Riches of the West the Reason of the great number of Preachers that are found in that Country. The same Magnetism draws so many Non-Conforming Ministers to London.

YOU see the Latin Verses take notice of the *West*, as a place above all others of this Kingdom, wherein *Fanaticism* most abounds. This must needs awaken your Curiosity to enquire from what *Magnetism* it is, that our Conventicle-Preachers have acquired such a strong verticity to that point. Truly, the Reason is the same for which yours haunt *London*, and the most opulent Towns and Counties of *England*, even the *Kitchens* of the place; for where the *Silver* is, there are the *Suisses*; where the *Carcase* is, there are these *Vultures* gathered together. There's a necessity laid upon them to Preach the *Gospel* there; yea, woe unto them if they Preach it not in *Fife* and the *West*, where so many *Rich Traders* and *Heritors* live. But as for the *Highlands*, and other *poorer* Counties, they have no *Christian* Compassion for them, but let them live and die in *Ignorance* and *Idolatry*, because their *Souls* are not so precious for want of *Silver* and *Gold*. I remember when I was at *London* in 76. I heard a famous Conventicle-Minister say, That if it were not for the *Non-conforming*-Ministers, thousands of *Souls* in that *Populous* City would starve for want of the *Ward*. I very much wondered to hear him say so; considering how many hundred Sermons were Preached every week by the *Orthodox* Ministers, and the best, I thought, that ever I had heard. But being the next day in some Company, which was Discoursing about Conventicles, one or two of them began to tell of the great store of Money the Conventicle-Preachers had in the *Banks*, and how some of them kept their *Coaches*, and he believed it would not be long ere their *Wives* kept their *Chairs*. Then I began to understand the Reason of the great care those Gentlemen had to feed the *Souls* of the good *Citizens*; and was very glad that to keep a *Coach* was no longer a sign of *Prelatical Pride*. When I returned home, I told our *Whigs*, that the *Non-conforming*-Ministers of *London* began to keep *Coaches*, but the greatest part of them would not believe me; and those that did, said with *sighs*, they were sorry, that there were *Dissipates* among them, that loved the *preeminence*, and that God would have a *controversie* with them for their *Prelatical Pride*. The like I have seen in a *Preface* to a *Presbyterian* Treatise of *Divinity*, Printed about that time, wherein the *anonymous* Author (whose name I have been told) complains of the *Prelatical Spirit*, that began to shew it self among the *Non-conforming*-ministers; whereof some living in great *Plenty*, and *State*, contemned others who were poor, and whose lot was fallen in places, where *Persecution* did abound.

The Introduction to the Narrative of Major Weir.

§. 13. In the *Scottish*, which you will call the *English* Verses, you see the Poet upbraids their *Baptismal Vow* with the *Covenant*; not, as I conceive, upon the *common* account, as another Poet may do, but because 'tis the frequent practice of our *Whig*-preachers to *Baptize* the Children of their *Disciples* into the *Solemn League and Covenant*, as well as into the *Covenant of Grace*. He also takes notice of the intimate *Familiarity* betwixt Mr. *Mitchel*, and Major *Weir*; and unless you will be at the pains to read the *life* of the latter, as well as the former, you'll never be able to understand the *Satyr*, nor know whether the *Satyr*'s *indignation* be just, or unjust. He promises you beforehand, That the *Narrative* shall affect you both with *Wonder*, and *Indignation*; though for the *honour* of our *Nature*, and *Religion*, I wish no such stories were extant in the *World*. Nay confident I am, that when you have considered it in all the *circumstances* that attend it, you will say, that he who is the *subject* thereof, was one of the most *prodigious sinners* that ever was extant of *humane race*. For there's nothing in *History* comparable to him, nor I hope will ever be; and had not our Blessed Saviour told us, that *Men* may be so *wicked*, as to sin beyond *forgiveness*, I could scarce have believ'd that any *Man*, much less a *Christian*, could have committed *uncleanness* in all *specieses*, with *Women*, *Devils*, and *Beasts*.

But such a *Monster* was this *Parisee*, of whom I am going to give you an account; which is partly taken out of the *publick Register* of our *Criminal Court*, and where that cannot relieve me, from *common fame*, the *notoriety* of the things related, or the *Authority* of *Persons* of *known Integrity*, and *great Reputation* in the *World*.

His Birth, Education, and Zeal for the Cause.

He was born, and bred in the *Western* parts of this Kingdom; which, as it appears from the preceding *Narrative*, hath ever been the most *Fanatical* part of our *Country*, and most disaffected to the *King* and the *Church*. There he was early *professed* with the principles of *Scism*, and *Rebellion*, which he shew'd upon all occasions, particularly

particularly in the beginning of the late *Rebellion*, wherein he was a *forward stickler*, and by his extraordinary zeal for the *Cause*, raised himself to a greater command in some *Troop*, or *Company*, than Men of his mean Original use to arrive unto here. About the Year 1649. he had the great trust of the *Guards* of this *City* committed unto him under the quality of *Major*, and from that time, to the day of his *Infamous Death*, was always called by the Name of *Major Weir*. He behav'd himself in this Office with great cruelty, and insolence towards the *Loyal party*, being very active in discovering and apprehending the *Cavaliers*, and bringing them to be arraign'd, and try'd for their *Lives*. He used to insult and triumph over them in their *miseries*, and persecute them with all manner of *Sarcasms* and *Reproaches*, when they were led out like *Victims* to publick Execution; as many yet alive can testify to the World. In particular, the barbarous *Villain* treated the *Heroick Marques of Montross*, with all imaginable insolence, and inhumanity, when *belay* in *Prison*, keeping him in a *Room* in which was no other light than that of a *Candle*, and his lighted *Tobacco*, which he continually smoked with him, tho' the Marques had an aversion to the *smell* of it above any thing in the World. Nay, he would even disturb him in his *Devotions*, making his very calamities an Argument, that *God*, as well as *Man*, had forsaken him, and calling him *Dog*, *Atheist*, *Traytor*, *Apostate*, *Excommunicate Wretch*, and many more such intolerable Names. This cruel manner after which he used to outrage the poor *Royalists*, pass'd among the people for extraordinary zeal; and made them consider him as a singular Worthy whom *God* had raised up to support the *Cause*. He studied the *Art of Dissimulation*, and *Hypocrisie*, always affecting a formal gravity, and demureness in his looks, and deportment; and employing a vast and tenacious memory, which *God* had given him, in getting without Book such words, and phrases of the *Holy Scriptures*, as might serve best in all companies to make him pass for an *Holy and gifted Man*. He had acquir'd a particular gracefulness in *whining* and *fighting*, above any of the *sacred Clan*, and had learn'd to deliver himself upon all serious occasions in a far more ravishing accent than any of their *Ministers* could attain unto. By these and other *Hypocritical Arts* he had got such a name for sanctity, and devotion, that *happy* was the *Man* with whom he would converse, and *blessed* was the *Family* in which he would vouchsafe to pray.

For he pretended to pray only in the *Families* of such as were *Saints* of the highest Form; inasmuch, that the *Brethren* and *Sisters* of these *Precincts* would strive who should have him to exercise in their *Houses*, and of those that liv'd at a greater distance, some would come forty or fifty miles to have the *happiness* to hear him pray. He had indeed, but by what assistance will be seen hereafter, a wonderful fluency in extemporary Prayer, and what through *Enthusiastical phrases*, and what through *Extasies*, and *raptures*, into which he would appear transported, he made the amazed people presume he was act'd by the *Spirit of God*. Besides praying, he used to exhort, and bless the *Families* in which he prayed; but he never undertook to *Pretend* in them, for fear of invading the *Ministerial Province*; which certainly would have offended the *Kirk*.

After this manner and in this mighty reputation he lived till the Year 1670. which was the seventieth Year of his Age. When like the *Tyrant Tiberius*, after so many murders, and sorts of unnatural Lusts, he was no longer able to endure the remorse of his awakened Conscience, but to ease the *inquietudes* of his guilty mind, was forced to accuse himself. That which gave occasion to the rousing up of his Conscience which the *Devil* had lull'd into a deep security, and excited him to a reflection upon his wickedness and guilt, being something remarkable, was this; by chance looking into a *Cellar*, he found drinking there some *People* which had other business at that time to employ themselves about, and gave them a *Religious* check for it; whereupon one of them in excuse of himself and the rest reply'd. That he hoped it was no *imardonable* crime to drink with their old Friend and Acquaintance *Mr. Burne*; at the mention of whose name the *Major* was surprized to that degree, that starting back and repeating the name *Burn*, *Burn*, three or four times, he in a very melancholy posture retired home, and this having made a very great impression upon him, he began to reflect how much he had deserved for his most detestable sins to be *Burnt* in those eternal and unquenchable *Flames* that are prepared for the *Damned*.

You will wonder how so small a thing should operate so strongly upon so hardened and obdurate a sinner; but besides that it often pleases God to work greater things, from much more inconsiderable hints than this was; you must know, that he had been forewarned to have a great care as he valued his life, of a *Buttar*, which signifying with us in Scotland a small Brook or Current, he was observed never to pass over one, but would constantly go about, rather than come nigh the water, as many alive can testify. But it seems there was an other signification in the ambiguous Oracle he had received, than he dreamt of.

But the horrour of his Conscience being thus let loose upon him; he was no longer able to conceal the anguish and torture of it, and therefore lay'd open the amazing secret to some of his own party, and desired them to bring him to publick Justice to expiate for his abominable crimes, but they considering what a confounding scandal, and dishonour, the Hypocrisie of such an eminent Professor would reflect upon the whole Sett, did with all possible care and industry strive to conceal the Major's condition, which they did for several months; till one of their own Ministers, whom they esteem'd more forward than wise, revealed the secret to the Lord Abbotshall, then Provost of *Edinburgh*, who judging humane Nature uncapable of such horrid crimes, as the Minister told him, the Major had confess'd, concluded he was fallen into a *Pbrenzy*, or high degree of *Melancholy*, and therefore courteously sent some *Physicians* of his own persuasion and acquaintance to visit him, and *Physick* him for his distempered Brain. But the *Physicians* returning to the Provost, assured him that the Major was in good health, and that he was free of *Hypocondriack* Distempers; and had as sound *Intellectus* as ever he had, and that they believed his Distemper was only an exulcerated Conscience, which could not be eas'd till he was brought to *Condign* Punishment, as with cryings and roarings he desired to be.

Afterwards the Provost for his further satisfaction sent some *Conventicle*-Ministers to enquire into his condition, and make a report thereof; who finding it impossible to disguise the matter, which was now the *Town-tale*, told his Lordship that the Major was not affected with *Melancholy*; but that the terrors of God which were upon his *Soul*, urged him to confess and accuse himself. The Provost thereupon began to conclude, that he had good grounds to take publick notice of this affair: and therefore without further enquiry sent the *Guards* of the City to seize upon the Major and his Sister, who was involved in his Confessions, and carry them both to the Publick Goal, where they were visited by Persons of all sorts and Qualities, *Clergy-men*, *Lay-men*, *Physicians*, *Lawyers*, *Conforming* and *Non-conforming* *Ministers*, who all flocked thither to see this Monster, and discourse with him about his horrible Crimes.

They had not been long in *Prison*, before they were brought to *Trial*, which was on the 9th day of April, in the aforesaid Year 1670. they were tried before that learned *Cavalier*, Mr. *William Murray*, and Mr. *John Prestonne*, *Advocates*, who were made *Judges* by Commission for that time. They were pursued by His Majesties late *Advocate*, *Sir John Nisbet*. And the *Jury* by which they were Tried, was *Gideon Shaw*, *Stationer*; *James Peuderer*, *Vintner*; *James Thompson*, *Felt-maker*; *Robert Brown*, *Stationer*; *James Brown*, *Felt-maker*; *Robert Johnston*, *Skinner*; *John Cleghorn*, *Merchant*; with many more sufficient *Citizens* of *Edinburgh*; most of which together with the greatest part of the *Witnesses* hereafter mentioned, are yet alive.

The Court being set, the Major's *Libel* was read, the sum of which was contained in these four Particulars.

Prima, That he enticed and attempted to defile his German Sister, *Jane Weir*, when she was but *Ten Years* old, or thereabout, and that he lay with her when she was but *Sixteen Years* old, while they had dwelt in the *Family* with their Father; and afterwards had frequent carnal dealing with her in the *House* of *Wicket Shaw*, in her *Younger Years*; and lastly, that after she was *Forty years old*, he lived in a state of *incest* with her, in his *House* at *Edinburgh*, where they dwelt together many Years.

Secunda, That he committed *Incest* with *Margaret Bonar* daughter to *Mein*, his *deceased* *Wife*.

Tertia, That he committed frequent *Adulteries*, during the life of his said *Wife*, both with *married* and *unmarried* *Women*, and particularly with *Bessy Weems*, his *Servant Maid*, whom he kept in his *House* for the space of *twenty Years*, during

He lay'd open the secret to some of his Brethren, that he might be brought to publick Justice. One of them by his Order discovers his Crimes to the Provost of *Edinburgh*, and his Sister.

He is seized by the *City Guards* and sent to Prison, where he confesses his most execrable Crimes.

They are brought to their Trial.

The sum of this *Libel*, viz. That he had committed *Fornication*, *Adultery*, *Incest*, and *Bestiality*, &c.

during which time he lay with her as frequently and familiarly as if she had been his Wife.

Quarto, That to his *Fornications, Adulteries and Incest*, he proceeded to add the unnatural sin of *Beastiality* in lying with *Mares and Cows*; particularly in *polishing* himself with a *Mare*, upon which he rode into the *West Country*, near *New-Mills*, all which crimes particularized in the manner aforesaid, he acknowledged *Judicially* at the *Bar*.

The sum of *Jane* his Sister's *Libel*, is reducible to these two heads. First to the charge of *Incest*, which she committed with her *Brother*. And secondly, to the charge of *Sorcery* and *Witchcraft*; but most especially of consulting *Witches*, *Necromancers* and *Devils*; and yet more particularly for *keeping* and *conversing* with a *Familiar Spirit*, while she lived at *Dalkeith*, which used to *Spin* extraordinary quantities of *Yarn* for her, in a shorter time than *three or four* *Women* could have done the *same*. All which she *Judicially* confessed in the Face of the *Court*.

The sum of his Sister Jane's Libel viz, that she was Guilty of Incest, Sorcery, and Witchcraft, &c.

The Testimony of Mr. Oliphant, Mr. Johnston, and Mr. Hamilton, Aldermen of Edinburgh; against the Major.

Then they proceeded to *Swear the Witnesses*, which the *Lord Advocate* called for further *Probation* against them *both*. Of these *John Oliphant*, *William Johnston*, and *Archibald Hamilton*, *Bailies*, i. e. *Aldermen* of *Edinburgh* depon'd, That on the *Monday* preceding the *Major's Arraignment*, he did *freely* confess and declare unto them, that he had committed *frequent Incests* with his Sister *Jane*; divers *Fornications* and *Adulteries* with other Persons; and *Beastiality* with a *Mare* and a *Cow*. *Mr. John Sinclair*, a *Conventicle-Minister*, depon'd, That the *day* before his *Trial* he *freely* confess'd to him, that he was guilty of *Adultery, Incest* and *Beastiality*, that his Sister had been often taken out of *Bed* from *him*. Whereupon asking him if he had ever seen the *Devil*? He answered that he had felt *Him* in the *dark*. But as to his *conversation* with the *Devil*, the *Deponent* might have declared more; for he had confess'd to *him* and many others, particularly to the *Lord Bishop of Galloway*, then *Minister* of *Edinburgh*, that he had *lain* with the *Devil* in the *shape* of a *beautiful Woman*.

Margaret Weir, Wife to *Alexander Weir*, *Bookseller* in *Edinburgh*, testified, That *Mrs. Weir's Evidence* when she was of the age of twenty seven or thereabouts, she found the *Major* her *vidence*. *Brother*, and her Sister *Jane*, lying together in the *Barn* at *Witches-show*, and that they were *both* naked in the *bed* together, and that she was *above* him, and that the *bed* did *shake*, and that she heard some *scandalous* language between them; in particular, that her Sister said, she was *confident* she should *prove* with *Child*. Furthermore, she Deponed, that *Catherine Cooper*, a servant of the *Major*, told her, that he had *lain* with *Margaret Bourdon* his *Wife's Daughter*, so that she would *stay* no longer in the *House*.

Ann Wife to *James Simpson*, *Book-binder* in *Edinburgh*, declared, that on the *Monday* preceding, and that *day* in the morning, he had *confessed* to her, that he had committed *Incest* with his Sister *Jane*, and *Margaret Bourdon* his *Wife's Daughter*; as likewise *Beastiality* with a *Mare* in the *West-Country*, and that he had *carnally* conversed with his *Maid servant Bessy Woens*, for *two and twenty Years*.

Mr. Archibald Nisbett, *Writer* to the *Signts*, declared, That in the Year 51 or 52, it was reported in the *Country*, that the *Pannel* had committed *Beastiality* with a *Mare* near *New-Mills*, and that he heard it reported the *same* *day*, in which it was said he did the *Fact*. *Mr. John Alexander* of *Leish*, Deponed the *same*, and said he was then but *half a mile* from the *place*.

After these *Depositions*, the *Major* being examined about his *Act* of *Beastiality*, declared, That a *Gentleman* having given him a *Mare*, he rode upon her into the *West Country* to see some *Friends*, and dealt *carnally* with her near *New-Mills*, and that a *Woman* saw him in the *Act*, and complained of him to *Mr. John Neave* the *Minister* of *New-Mills*; at whose *instance* he was brought back to the *place* by some *Soldiers*, and was there dismissed for want of further *Probation*. And further being asked about the time, he answered, That to the best of his *remembrance*, it was when the *Lords, Gentlemen and Heritors*, were taken by the *English* at *Elliot*.

As for *Probation* against *Jane Weir*, the *Lord Advocate* insisted on her own *Declaration*, and all the *Depositions*, in which as a *party* she was involved. And being asked if she knew any thing concerning the *Correspondence* that was said to be betwixt the *Devil* and her *Brother*; she declared, that she had a long time been *jealous* of it, but was not *certain*, and that six or seven *Years* before she had found a *Mark* upon her *Brother*.

upon his Shoulder, like that which is called the *Devil's Mark*, at which she was sore afraid.

The *Process* being thus ended, the *Jury* did unanimously find the *Major* Guilty of *Incest* with his *Sister*, and *Beastiality* with a *Mare*, and a *Cow*, and found him guilty of *Adultery* and *Fornication* by a plurality of Votes. They also unanimously found Guilty and the first brought in *Jane Guilty* of *Incest* with her *Brother*; whereupon the *deputed Judges* Condemned to sentence him to be strangled at a *stake* betwixt *Edenburgh* and *Leith*, on *Monday* to be burnt, and lowing the 11th. of *April*, and his *Body* to be burnt to *Asbes*: and Condemned her the latter to be to be hanged on the *Tuesday* following in the *Graft-Market* of *Edenburgh*.

Thus far have I given you a *judicial Account* of the *detestable crimes* of this *Hypocritical Monstrous Man*; I now proceed to acquaint you with other *particulars*, no less surprizing than the former; which upon strict *enquiry* I have reason to believe to be as true, as those that were *judicially proved*.

When they were seized, she cautioned the *Guards* to secure a *Lilly-Root*, and to keep him from laying hold on a certain *Staff*, which, she said, if he chanced to get into his *hand*, he would certainly drive them all out of *Doors*, notwithstanding all the resistance

The *Major* had they could make. This *Magical staff* was all of one piece, upon which were Engraven certain *Symbols*, in the shape of *Centaures*, with a crooked head of *Thorn-wood*: she said he received it from the *Devil*, and did many *wonderful* things with it; particularly that he used to lean upon it in his *Hypocritical Prayers*, and after they were committed, she still desired it might be kept from him; because if he were once *Master* of it again, he would certainly grow *obdurate*, and retract the *confessions* he had so *publickly made*. *Apollonius Thyanus* had such a *Magical staff* as this, which I am apt to believe was a *Sacramental Symbol* which the *Devil* gave to the *Major*, and the

Court were not without some *apprehensions* of it, for it was ordered by the *Judges* to be burnt with his *Body*; and it was afterwards observed that his *Body* did not fall into the *Flames*, till that *staff* had first done so.

When the *Officers* entered his *House* (which has continued ever since uninhabited) to seize him and carry him to the *Toll-booth*, they found some *mony* in several *parcels* wrapt up in *rags* of *Linnen*, which as soon as they came into a *Tavern* not far from thence they put into a *bag*, and threw the *Clouds* into the *fire*, where to their very great amazement they circled in a most unusual and extraordinary manner; whereupon one in the company having something wrapt up likewise, which was supposed to be the *Lilly-Root*, that the *Major's Sister* had caution'd them about, cast it immediately into the *Flame*; where circling in the same manner as the *Rags* had done before, it gave a crack like a *Pistol*, sparkling like corns of *Powder* thrown into the *fire*, and then at it's passing through the *Funnel* of the *Chimney* it gave a report as big as that of a small *Cannon*, to the admiration of all that heard it.

She also confessed in *Prison*, that she and her *Brother* had made a *compact* with the *Devil*; and that on the 7th. of *Septemb.* 1648. they were both transported from *Edenburgh* to *Musselborough* and back again, in a *Coach* and *Six Horses*, which seemed all of *fire*, and that the *Devil* then told the *Major* of the *Defeat* of our *Army* at *Preston* in *England*; which he confidently reported in most of its *circumstances* several days before the *News* had arrived here. This prediction did much increase the high *opini-* on the *People* began to have of him, and served him to make them believe, that like *Moses* he had been with *God* in the *mount*, and had a *Spirit of Prophecy* as well as of *Prayer*. But as for her self she said, she never received any other *Benefit* by her *Com-* mers with the *Devil*, than a *constant supply* of an *extraordinary* quantity of *Yarn*, which she was sure (she said) to find ready for her upon the *Spindle*, whatever busi- ness she had been about.

Besides the *Beastialities* which the *Major* judicially acknowledged he had committed with the *Mare*, and *Cow*, he confessed he had done the same *Abominations* with three *Species* more; and the *Woman* that delated him for the *Fact* near *New-Mills*, was by order of the *Magistrates* of *Lanerk* whipped through the *Town* by the *hand* of the *Common Hangman*, as a *flanderer* of such an eminent *Holy man*.

The *Fornications*, and *Adulteries* which this *ἀρναύων* (as *Buggerers* are called by the Council of *Ancrya*) Committed with the most *scandalous*, and *Can. 16.* *Zealous* *Women* of the *Sect*, are too numerous to be related here. He had got himself the *Priviledge*, under a pretence of *Praying* and *Exhortation*, several *Species*, to go to their *Houses*, and into their *Bed-chambers*, when he pleased; and it was his *practise*

practise to visit married Women at such times especially as their *Husbands* were from home: One especially, who lived in the *Street* called the *West-bow* in *Edinburgh*, he had several times solicited in her *Husband's* absence to gratifie his *unclean* desires; till at last wearied out with his *importunity*, she told him how much she abhorred his *design*, and charged him never to come more to her *House*. Upon this he forbore to visit her for some time, till one night, when she was *undressed* and ready to step into *Bed*, the *Major* suddenly appears standing by her, at which she was so extreamly *frighted*, that she fell into a *swound*; she had no sooner recovered, but the *Major* endeavoured to comfort, and assure her, and *confirm* her against that *strange surprize*; and renewing his *addresses*, he *Tempted* her with many *Arguments*, and *flattery* *Speeches*, and *Gesticulations*, telling her he had taken that *mag-wellous* way of appearing in *private* with her, on purpose to secure her *Reputation*; that he would go out of her *House* in a manner as *invisible* as he came in. But she by this time having recovered her *usual courage* and *strength*, pushed him off with *violence*, and cry'd out for help to her *Maid*, upon which he immediately *disappeared*. The *Windows*, and *Doors* were all close shut; and I died. The *Magical* *Address* he made to a *Woman* in *Edinburgh*, with the *fright* whereof she make little doubt, but his *Coachman* to the *fiery Coach* conveighed him in and out through the *Chimney*, or perhaps by the *Door*, which the cursed *Familiar* might open and shut again, as well as the *Angel* of the *Lord* did *unlock*, and *lock* the *Prison Door*, wherein the *Apostles* were put.

As for the *miserable* *Woman*, she was never well after this *Magical* manner of *Address*, which the *luffful Satyr* made unto her; but immediately fell into a deep *Melancholy*, which ended in a *languishing* *Sickness*, whereof not many weeks after she died; and when she was upon her *death Bed*, she declared this *strange Story* to many persons yet alive, of great *Integrity*, *Wisdom*, and *Fame*.

I have already told you what an *active* *Rebel* this *Multiform* *Sinner* was; but I forgot to tell you, that he was an *eminent* *Promoter* of the *Western Remonstrance*, in the year 1650. To these *principles* he stuck as *close*, as to the *Devil* himself; insomuch, that when the *Government* of our *Church* was restored, he *avowedly* renounced the *Communion* of it, and endeavoured to widen the *Schism* to the utmost of his *power*. He could not so much as endure to look upon an *Orthodox* *Minister*, but when he met any of them in the *Streets*, he would pull his *Hat* over his eyes in a *Pharisaical* kind of *indignation*, and *contempt*. The *Major* an eminent Promoter of the *Western Remonstrance*. And always a sworn Enemy to the Government.

S. 14. While he was in *Prison*, he acknowledged his *Hypocrisie*, by which he had deluded men, and *mock'd* God; declaring, that in all his *life* he had never *prayed* to God in *private*, nor had any *power* to speak when he attempted to do it; although he had such an *extraordinary* and *charming* *utterance* in his *solemn Conventicle-prayers*. He also confessed, that he never *bow'd* his *knee* to God at his *own*, or *other* *mens* *Prayers*; which exactly agrees with his *Sisters Relation*, of his *leaning* at his *Prayers* on his *Magical Staff*, and none of his *own party* can remember that at any *Devotion*, even when he seem'd most *Rapturous*, they ever saw him *kneel*. Nay, furthermore, he confessed, which I cannot mention without *horror*, that his *fluency* in *Prayer*, by which he ravish'd the *People*, proceeded from the *assistance* of the *Devil*; who, he said, helped him to the *words* and *phrases* in which he expressed himself. This hath given several men several ways of *Conjecture* how it could be done. Some who knew him better than I ever had the *unhappines* to do, are of opinion that he was the *Praying-Oracle* of the *Devil*, out of whom he *personally* spoke. The reason which they alledge for their *conjecture* is, that sometimes the *sound* of his *Voice* like the *sight* of *Spirits*, had something *unnatural* in it, as if it had not been form'd by the *Organs of Speech*. He acknowledges his *Hypocrisie*, that he had never *Pray'd* to God in *private*, nor never *bow'd* his *knee* either at his *own* or *other Mens* *Prayers*. He ascribes his *fluency* in *Prayer* to the *assistance* of the *Devil*. Several conjectures how it could be done.

Others think it reasonable to believe, That he saw all the *words*, and *expressions* in his *Prayer* *successively* *written* by the *Devil* in the *air*. But upon *enquiry*, I find that he, like most of the *Extemporarians*, commonly *Prayed* with his *eyes* *shut*; which if it be true, this *Hypothesis* will never be able to *solve* those *Diabolical Phenomena* in the *Air*.

Some again think, that the *words* and *expressions* of his *Prayer* were *represented* by the *Devil* upon the *Stage* of his *Fancy*, after the same manner, as when a man *dreams* he reads such a *Letter*, or *Book*. But he never was *affected* with any *Consternation*, *Tremblings*, or *Abreptions* of *mind*, which both in *true*, and *false* *Prophecy* were the *constant* *effect* of such *strong* and *violent* *impressions*, as were required to exhibit such un- wanted

wonted *Representations* upon the *Imagination*: Nor after his *long Prayers* were ended were his *natural strength* or *Spirits* exhausted, as, if his *Devotion* had been *Visionary*, they must have been.

Others therefore considering him as an *Apostate* from God, and as a *Vassal* and *Apostle* of the *Devil*, think it very agreeable to *Divinity*, to assert, that he was immediately, but yet without much *violence*, inspired by the *Devil*, and helped by him both in the *Conception* and *utterance* of his *Prayers*. This they conceive the *Evil Spirit* might do, like an *assistant* form, by impregnating his *Fancy* with *Enthusiastical Conceptions*, and thereby rendering his *Imagination* very *turgent*, and ready to swell above its *banks*; which being done by the *immediate Operation* of the *Evil Spirit*, the wretched *inspiration* could not fail to burst forth in *flaming Orations*, or a full *Torrent* of *Prayer*; and likewise be affected with such *moderate Raptures*, as yet left him in a *condition* to understand what he said. Furthermore, to prevent all *possible* objections, they say, That if God suffered the *Devil* to counterfeit *Prophecy* under the *Law*, then they know no reason why it should be thought inconsistent with his *goodness*, or *disagreeable* to his infinite *wisdom*, to permit him under the *Gospel*, to counterfeit *Inspiration*, or the *true Spirit of Prayer*. But for my own part, had not the *Monster* himself ascribed his *fluency* in *Devotion* to the *assistance* of the *Devil*, I should have wholly ascribed it to the *vigour* of his own *Enthusiastical Imagination*, without any *Foreign Force*. For not only his *fluency* in *Prayer*, but the *moderate Raptures*, and little extatic fits, into which he was *Transported*, are explicable by the *natural power* of *unassisted Imagination*, as I could make it out by many *Examples*; and where a *natural cause* alone is sufficient to account for any *effect*, I am always sparing to joyn with it a *supernatural cause*.

All the while he was in *Pris'.*, he lay under *violent apprehension* of the *heavy Wrath* of God, which put him into that which is properly called *Dyspair*, a *Dyspair* which made him hate God, and desist from *Duty* to him, and with which the *Damned Souls* in *Hell* are reasonably supposed to be *constantly affected*. In this *state* he was *desperate*, and therefore would admit neither *Church*, nor *Conventicle Ministers* to *pray* for him, or *Discharge* with him about the *Infinite Mercy* of God, and the *possibility* of the *forgiveness* of his *Sins*, crying out to them, *Torments me no more before my time, I am Tormented enough already*. Much less could he endure to be exhorted to *Repent*, or be brought to entertain any thoughts of *Repentance*, telling all the *World*, that he had *sinned* himself beyond all possibility of *Repentance*, and *Pardon*; that he was already *Damn'd*, that he was sure his *Condemnation* to *Eternal Burning* was already pronounced in *Heaven*, and that the *united Prayers* of all the *Saints* in *Heaven*, and *Earth* would be *vain*, and *insignificant*, if they were offered to God in his behalf. So that when some *charitable Ministers* of the *City*, by name, the *present Bishop of Galloway*, and *present Dean of Edinburgh*, were resolved to *Pray* before him for his *Repentance*, and *Pardon*, against his *consent*, he was with much *difficulty* withheld from *interrupting* of them in their *devotions*, and the posture he put himself in when they began to *pray*, was to *lie* upon his *Bed* in a *moll* shaped manner, with his *Mouth* wide *open*; and when *Prayers* were ended, being ask'd if he had *heard* them and *attended* to them, he told them, *They were very troublesome, and cruel to him, and that he neither heard their Devotion, nor cared for it, nor could be the better for all the Prayers that Men or Angels could offer up to *Heaven* upon his account*.

It was his *Interest* to believe there was no God; and therefore to *ease* the *torments* of his *mind*, he attempted now and then to *comfort*, and *flatter* up himself into this *absurd* belief. For he was sometimes observ'd to speak *very doubtfully* about his *existence*; in particular to say, *that if it were not for the torments which he found tormenting him within, he should scarce believe there was a God*.

Being with great *tenderness* and *caution* besought by one of the *City Ministers*, that he would not so *resolutely* destroy himself, by *despairing* of God's *Mercy*, which upon *Repentance* had been granted to *Murderers*, *Adulterers*, *Sodomists*, *Bentifists*, nay, to those that had *denied Christ*; he replied in anger, *Trouble me no more with your beseeching of me to Repent, for I know my sentence of damnation is already seal'd in *Heaven*, and I feel my self so hardened within, that if I might obtain *Pardon* of God, and all the *Glories* of *Heaven*, for a *single wish* that I had not committed before, with the *scale* whereof I am so tormented, yet I could not prevail with my self to make that *single wish*. And were your Soul in my Soul's stead, you would find your exhortations*

While he was in *Pris'*, he lay under *violent apprehensions* of that *heavy wrath* of God.

He would not permit any body to pray for him but *ties* *several desperate extremitie*, nor could he brought to entertain any thoughts of *repentance*, *Imagining* *himself* to have *sign'd* *beyond* the *possibility* of *pardon*. He *endeavours* to *persuade* *himself*, there was no God. Being *admonished* not to despair of God's *Mercy*. He *answer'd*, That his *Damnation* was *Sealed* in *Heaven*, and that if a *single wish* would *save* him, he had not power to make it.

tions impertinent, and troublesome, for I find nothing within me but blackness and darkness, Brimstone, and burning to the bottoms of Hell. I have been told by very credible Persons, that the Body of this unclean Beast gave manifest tokens of its impurity, by the erection of his Yard, and emission of Scod, as soon as it began to be heated by the Flames; and certain it is, that after it was burnt, a report was presently sent from hence to the Brethren in the West, that the Malefactor, who was burnt for such execrable crimes, was not Major Weir, but another Person who exactly resembled him, and whom the wicked Prelates and Curates had bribed to personate the Godly Major, (who was said to be gone with a contribution to the exiled Brethren in Holland) and call himself by his name. This report was believed in the West, for several Months, till time discover'd that the Major was no more.

His body gave manifest tokens of its impurity as soon as it began to burn. No sooner was he burnt, but a report was spread abroad, that it was not the Major but one like him. His Sister Jane doubts not of her Salvation, because of her constant adherence to the Covenant.

As for Jane, this incarnate Devils Sister, she was very insensible of her great sins, and was so far from remorse of conscience for them, and despairing of the mercy of God, as she did, that she presum'd too much upon it; placing a great deal of confidence in her constant adherence to the Covenant, which she call'd in her Brother Mitchel's style, the Cause and Interest of Christ. She confessed indeed, as he did, that her sins deserve'd a worse death than she was condemn'd to dye; but she never shewed her self in the least concern'd for what might ensue after death. On the morning of her execution, she often told the Minister who assisted her with his Prayers and advice, in order to the fitting her for the next World, that she was resolved to die after the most shameful manner she could, to expiate for her shameful and ignominious life; which he understanding to be by an ingenuous Confession of her sins and wickedness, contrary to what her Brothers obstinacy and despair had made him do, he as often encouraged to persist in so good a resolution. But when she came upon the Ladder, instead of what was expected, she bespake the People in the following words, *I see a great crowd of People come hither to day to behold a poor old miserable Creatures death; but I know there be few among you, who are weeping and mourning for the broken Covenant.* And having so spoken she prepared in great haste to strip her self naked; and then and not before were the sense of her words relating to the shamefulness of her death understood, but the solution to hang naked on the Ladder, she becomes Advocate for the Broken Covenant.

I could tell you many more remarkable stories of our Fanatick Zealots, that have been put to death for lying with Beasts, and other unnatural crimes. One not many years since was put to death at Sterling, for committing uncleanness with five individuals, among which there were four species of irrational Animals; and immediately before his Execution, the unclean Wretch protested against the Prelates, and boasted of his constant zeal for the Covenant; and so without declaring any confession of his crimes, or desiring the people to pray for him, went off with all assurance into the other World. I should not have related any of these stories, with reflection on the Schismatical party, but that nine parts in ten of the horrid sins, such as Whorecraft, Bestiality, and Incest, the Spirit of are found among them; which hath occasion'd a Proverbial Sarcasm in our Language Popery, &c. against them, that the Whigs *gat to Heaven a Gate of their aw*. This is no Hypothesis, but a plain Historical Truth, which our Judges can testify, and which may be confirm'd by the Registers of our criminal Courts.

And then as for Adulteries, and Fornications, those common failings of these *Protestants*; there are more of them committed, and more Bastards born within their Country, the Western Holy Land than in all our Nations besides. This is evident, from comparing the Parish-Registers, and the Registers of the Presbyteries or Rural Districts of those Shires, with the rest of the Parish and Presbytery Registers in every Diocese of the Church. Not very long since in a Parish within the Presbytery of Paisley, there were no fewer than 17 Whigs, who did publick Penance for Fornications and Adulteries, at one time. The Parish is very disaffected; so that on that Lord's-day, wherein this Herd of Goats did stand in the Seats of Publick Repentance; there were but two¹⁷ At one time in Regular Persons, besides the Minister and Precentor in the Church. I know you are one Parish 17 already wondering, that Fanatical Sinners will do Penance in the Kirk, which is as se- rious, and solemn a piece of Worship, as any belongs to the Service of God.

Adultery and Fornication more frequently committed in the West among the Whigs, than in all Scotland besides.

At one time in one Parish 17 Whigs did Penance.

Therefore

The reason why the Whigs patiently submit to this Ecclesiastical censure.

Therefore to unriddle the *Paradox* unto you, be pleas'd to take notice, That if any *Fornicator*, *Adulterer*, &c. contumaciously refuse to submit to *Church-Censure*, his *Majesty's Advocate* is to pursue him before the *Supreme Judicature*, or *Lords of the Session*; who upon *Evidence* of his *Contumacy*, issue out *Order* for having him *declar'd* the *King's Rebel*; that is, to be solemnly *denounc'd* an *Out-Law*, with the sound of an *Horn*. After the *Horning*, (for so we call the *Denunciation*) *Letters of Caption*, are direct against him; so that if he be taken, he must be put in *Prison*; and altho' he be not, he forfeits his *Personal*, and the *Annual Revenues* of his *real Estate*, and becomes altogether *āōēōnōō*, as *Theophilus* the Greek Civilian calls *Slaves*, and *Minors*, and all that are *Civilly dead*. Hence an *Out-law* is almost in the same *Condition* with us, as *Deportatus in Insulam*, was among the *Romans*; he is incapable of all *Civil Employments*; he has no *Head in Law*: He can make no *Will*, or *Testament* of his own; nor receive any *Benefit* by any *other Man's*. So that our *Whigs*, (like yours, who will be Married by the *Common-Prayer*) choose rather to *mock God*, and offend their *tender Consciences* sometimes, than forfeit their *Liberty*, and *Estates*.

A Parallel drawn between the *Whigs* and *Gnosticks* in several particulars.

§. 15. I am very well satisfy'd in my own *Conscience* that I have done nothing against the *strictest Rules of Christian Charity*, in discovering the *impious Principles*, and *Practices* of this *Sect*: I have done it upon the same *grounds* and *motives*, that the *Ancient Fathers* publish'd the *Wicked Lives and Opinions*, of the more primitive *Hereticks*; particularly of the *Gnosticks*, who were the *Archetype* of our *Whigs*: And the *Parallel* in most *Particulars* runs so exact between them, that I cannot abstain from comparing them together.

First then as the *Gnosticks* were so call'd from *γνῶσης*, or *Knowledge* *falsly so call'd*; and boast'd, that they were the most *Knowing*, although they really were the most *Ignorant* of the *Christian Religion* of any *Sect* in the *World*: So our *Whigs* style themselves the *Knowing Christians*; and look upon us, who *adhere to the Church*, but as *ignorant*, *stupid*, *formal People*, that understand not *Gospel Mysteries*, but are spoil'd after the *Tradition of Men*, after the *Rudiments* of the *World*, and not after *Christ*: Secondly, As the *Gnosticks* pretended to understand the *Scrip-tures* better than all other *Christians*; and yet did most absurdly and blasphemously interpret them, as *Epiphon* hath shew'd in *many particulars*: So our *Whigs* pretend to this *gift*, as their own *peculiar Talent*; and yet interpret the *Word of God* as absurdly to make it comply with their wicked *Opinions*; as the *Gnosticks* did to make it *convene* theirs, Mr. *Mitchel's* *Papers* are full *proof* of this *Charge*, besides the *Books* I mention'd before. Thirdly, As the *Gnosticks* spoke *university*, or mighty high things of *Simon Magus*, *equalling him with God*: So our *Whigs* speak *big-swelling words* of *Baal-Berith*, or the *Solemn League and Covenant*; to which they *ridiculously apply*, whatsoever is said of the *Covenant of Grace*, which *God made with Abraham*; and of that *Political Covenant* which he made with the *Jews*; and of the *counterpart* of it; which the *Jews*, or any of their *Kings* made, and renew'd with *God*; baptizing their *Children* into it, as into the *Covenant of the Gospel*, and making it the *cause*, and *Interest* and *Trust* of *Christ*.

In the *fourth place*, as the *Gnosticks* pretended to be *Christians*; and yet in *many* things comply'd with the wicked *Jews*, and joyned with them in *raising Persecution* against the *Church*: so our *Whigs* pretend to be the *purest Protestants* in the *World*; and yet in *many* things are *real Papists*, and now *join most cordially* with them to *overthrow* both *our* and *your Church*; which the *Papists*, acknowledge to be the *strongest Bulwarks* against themselves, that are in the *Protestant World*:

In the *fifth place*, as the *Gnosticks* contumeliously used the *Apostles* and *Presbyters* of the *Primitive Church*, hating them with the *Malice of Cain*, and *gainsaying* them, among the *People* after the *impudent manner* of *Corah*, and *opposing* them, as *James* and *Jambres* did *Moses* and *Aaron*: So our *Whigs* treat our *Reverend Clergy* with all *imaginable contempt* and *Barbary*; hating our *Bishops* with a *Mortal hatred*, calling their *Government* an *Upstartion* over *God's Heritage*; and *rail* at *His Majesty*, and all other *Magistrates* that *support* them; *binding* and *re-binding* themselves by a *Solemn Oath*, to *extirpate* the *Apostolical Function*, though in doing of it they should *shed* an *Ocean of Protestant Blood*.

To proceed, as the *Gnosticks* were raging waves of the *Sea*, i. e. a fierce, tumultuous, and troublesome People; so are the *Whigs*; As they despised *Dominion*, and spoke evil of *Dignity*; so do the *Whigs*; as they were *murmurers* and *complainers*; so are the *Whigs*, who by their *Principles* can never be satisfied with any *concessions*, nor *begged* by any *favours*; but must *murmur* and *complain* against *Moses* and *Aaron*, as long as there's a *King* and *Bishops* in the *Land*.

Furthermore, as the *Gnosticks* scorn'd and despised the *Orthodox* Christians, and separated from them, calling them *Carnal*, but themselves *Spiritual Men*; and yet were *Sensualists*, *desirers* of the *Rush*, and like the *Sadamites* and *Goatherds*, given to *immoral Lusts*; So our *Moderate* *Parishers* scorn them, calling us *Carnal*, or at the best, *but Moral Men*, and while they pretend to be *Holier* than the People that adhere to the *Church*, they fall into all sorts of *Impurities*, to the great scandal of the *Protestant Name*. I could run the *parallel* in more *particulars*, but I remember I am writing a *Letter*, wherein a *Man* is not bound to *exhaust* this *Subject*, but rather to *hint*, than to *write*. And I need not *suggest* unto you, that I am not to *mechanize*, as to conclude every *individual* among our *Whigs* in this *comparative* *Character*, for doubtless, there are many *well meaning* *People* among them; but you must understand me so, as our *Saviour* is to be understood, where he describes the *general Hypocrite* of the *Pharisees*, among whom notwithstanding were many *Sincere* and *Pious Men*.

In this *sense* it was that *St. Paul* charg'd the *whole Nation* of the *Cretians*, with the *Character* of one of their *Old Poets*, That they were *Liars*, *evil Beasts*, and *slow Bellies*; and for my own part, I believe that among the *Gnosticks* themselves, there were a considerable number that lived free from those *portentous* *Sins*, with which *St. Jude* and *Epiphanius* charges the *Seet*.

§. 16. I Am now drawing near the end of this *tedious Historical Letter*, in which I hope I have made you *ample* amends for my *six Months silence*, for which you *did* me again in your *second Letter*, which I received by this *days Post*. You also tell me in it what *Tragical Stories* are Reported at *London*, concerning the *present unhappiness* of this *Kingdom*, and the *Tyrannical Administration* of *Affairs* therein. In particular you say, 'tis Reported by some of our *own Countrey-men*, that the *Nation* is *enlau'd*, that there is nothing amongst us but *Plunderings*, *Burnings*, *Murders*, *Ravishing of Women*, and all other sorts of *devastation*, which hath made *considerable Persons* fly the *Countrey*, particularly *D. H.* who, I assure you, came to *Town* from his *own House* but three or four days ago. You also tell me, there are Reports of a *Secret Correspondence* betwixt the *Duke of Lauderdale* and the *Viscount of Granard* on the *Maritime Borders*, whose *real design*, they say it is, to advance the *Presbyterian Interest*, all that hath already been done under his *Grace's Conduct* against them, being nothing but for *shew* and *pretext*. I need but desire you to *recollect* what I have already written concerning the *occasion* of our *present Disorders*, and the *Action* that supports the *Schism*, to make you *divine* from what *Original* these lying *Stories* proceed, and for what end they *disperse* them about the *World*.

I imagine by this *time* you are very weary, but though you be, you must put your self to the *Penance*, I always *enjoy* you to *read* my *Letters* once for the *Author's* sake, as well as for *your own*. You know I came to *England* the last *time* upon no other *account*, but to *learn* the *Language*, and promised to keep *Correspondence* with you upon this *Condition*, that you would make *Remarks* upon my *Letters*, and faithfully *Admonish* me of all the *Scotisms*, or all the *Words* and *Phrases* that are not *current English* therein. I confess I have a great *Veneration* for our *own* and the *Northern English Language*, upon the account of the [†] *Anglo-Saxon*, to which they are so nearly *Ally'd*; but yet I think it *prudence* to observe that Rule in *Macrobius*, *Loquere cum presentibus verbis, praeteritis moribus vive*. And therefore am as *ambitious* to write *Modern English*, as any *Gascon*, or *Provencal* can be to write the *Modern French*.

You may *communicate* this *Letter* to as many of your *Friends* as you please; but you must take care to *conceal* my *Name*, lest if it be known, I pass for an *Enemy* to

the People of God; and thereupon another *Mitchel* send me out of the World for a *Cananite* or *Egyptian* with a brace of Bullets, or a *Darke*. The *Narratives*, I humbly conceive, are very profitable to be known: One of them affords an excellent Example of counterfeit *Zeal*, and the other of *Hypocrisie*, or *Pharisaism*; which from the beginning of things hath always been the most Powerful Engine, which the *Cerabs* of all *Ages* and *Nations* have used to draw the *Multitude* into *Faction* and *Schism*. Besides, the knowledge of these things will move all good *Christians* to pity the miserable condition of our *Church*, and to pray for her both to God and the King, and likewise undeceive all ingenuous Spirits, that have had the unhappiness to be misguided by the false *Informations* which our *Fanaticks* send to yours. There is a more strict and *Mysterious* Correspondence betwixt them, than the present pains, in which I write, will permit me to relate. But by that time I come next to *London*, I shall be able to discover the *Cabala* unto you, which I shall better talk in *half an hour*, than write in *many days*. In the mean time let us love, honour, and remember one another with pleasure and respect: Let us pray for the improvement of our *Church*, the preservation of yours, and serve them both in our several stations to the utmost of our Power.

I have no more to add, but to desire you to remember that my Style is *Advocate*, and not *Counsellor at Law*; there's almost none here knows what that Title means; So that the *Post-Master* kept your last *Letter* a week, before he could imagine it was Directed to

Edinburgh, March
the 5th. 1677.

Yours most Faithful,
and Obedient Servant.

N. N.

FINIS.

A N A P P E N D I X, C O N T A I N I N G

An exact Relation of the Proceedings before the *Lords of Articles, &c.* against *Charles Maitland of Halton, Treasurer Depute, for Perjury, in having given a false Testimony at the Tryal of James Mitchel.*

I Doubt not but every one will have as great a curiosity as I had, to inform himself of the *Proceedings*, before the *Lords of Articles*, in the late *Parliament at Edinburgh*, against the *Lord Halton*, in relation to the *Evidence* he gave at the *Tryal of Mitchel* which you will find in the 13 page of the foregoing *Narrative*.

Now, that I may not seem to impose upon the *faith* of my *Reader*, nor *pravaricate* with him, I have thought fit *here* to subjoyn a *full Account* of that *Affair* from the *Records* themselves, that so *Authentick* a relation being given of it, there may remain no *umbrage* or *presence*, of charging the *Tryal of Mitchel* with *Injustice*, which has more than once been attempted, but upon so *slender* and *weak* grounds, that even the *Authors* of those *aspersions*, have been ashamed of their *impotent* endeavours to *calumniate* the *Government* in that particular.

And indeed any man that has but read the 14 and 15 pages of that *Tryal*, cannot but look upon it as matter of *wonder*, that any one should have the confidence to assert so *gross* and *palpable* a *falshood*, as *Mitchel's Assurance of life* upon condition he would *confess*, is there most *unquestionably* proved to be: For upon the *whole* matter, for any thing that *there* appears, every *impartial* man must conclude the *pretended Order of Council*, to have been (to speak very softly) a *manifest* *mistake*. Since so many *noble* *Lords* did deny by the *great Oath* they had taken their *knowledge* of any such *Assurance*, given him, whose *Testimony* one would think ought to outweigh the *bare* *assertion* of so *profligate* a *Villain* as *Mitchel* was; especially if it be considered, that he had no *other* way left to save his *neck*, and that it can be no *strange* thing, for such a man to tell a *lie* to save his *own* *life*, that had ventured his *eternal* *salvation* so freely to rob *another* *man* of *his*.

But tho' neither in *reason* or *Justice*, the *Prisoners* *solitary* *Allegation* could *avail* him any thing against so *clear* and *sacred* *testimony* to the *contrary*, yet there wanted not some who did not stick to charge that *impartial* *proceeding* with *Injustice*; but this *calumny* being raised and supported upon so *weak* a *basis*, as the *pretended Order of Council* which was indeed not only *inconsistent* with *truth*, but it *self* too, and carried on by the *clamours* of a *few* *wretches* *notoriously disaffected* to the *Government*, both of *Church* and *State*, fell of it *self* into *air* and was resolved into its *primitive* *nothing*.

But to see the *endless* and *restless* *malice* of that *implacable* *party*, when one would have thought there was as *little* *apprehensions* of *trouble* from that *scandalous report* as from *Mitchel's Ghost*, My *Lord Halton, Treasurer Depute*, having by his *too violent* *Zeal* (as they are pleased to call it) for his *Majesties Service*: and *eager* *prosecutions*

prosecutions of the *Panick*, contracted the immortal enmity, and malice of that party, was charged with *perjury*, before the Lords of the *Articles*, in the *Evidence* He gave, at the Tryal of *Mitchel*. A particular Account of which *Accusation* you have here, with his Lordships *Answer* to it, and the *Resolution* of His R. H. High Commissioner, and the Lords of the *Articles* thereupon: And how far upon the whole matter his *Lordship* is guilty or innocent, is left to every impartial and unprejudiced man to consider.

A Parliament being summon'd and holden at Edinburgh the 28. day of July, 1681. by His Royal Highnes's, the King's High Commissioner, on the day of *William Noble* of *Denoter*, did deliver the following *Petition*, or *Accusation*, into the hands of the *Lord Register*, to be by his *Lordship* presented to his R. H. and the Lords of the *Articles*.

To his Royal Highness, His Majesties High Commissioner, and Right Honourable the Lords of the Articles,

It is humbly Represented,

That, Whereas the Deceast Mr. James Mitchel, being convened before the Justices, for attempting to assassinate the late Arch-Bishop of St. Andrews, and his Confession before the Duke of Lauderdale, his Majesties Commissioner for the time, and the Lords of Privy Council being adduced in modum Probationis, against him, the said Mr. James proposed this Defence, that his Confession was emitted upon promise and Assurance of life made to him, for proving whereof he did Adduce, Charles Maitland Lord Thesaurer Deputy, as a witness, who deposeth negative, Notwithstanding that by Letters under his hand directed to the late Earl of Kincardin, He expressly writes, That the said Mr. James had confided upon afflittance made to him of his life. And that he now thought that his Punishment would be the loss of his right hand, which Policy will be clearly proven by production of the said Letters and Deposition; For Whiche it is humbly craved a Warrant may be granted, against the burrs for exhibition of the same, And that the Lord Thesaurer Deputy may be declared infamous and suffer in other Pains appointed by Law in such Cases.

Sic Subscriptor,

W. Noble.

The Letters which the Petition refers to and upon which the whole Accusation is founded are these two that follow, both sent to my Lord of Kincardin.

Holyrood-House, 110. Feb. 1674.

His afternoon yours came which should have come this morning, so that the Post is now more regular.
I read it all, and it is a full Account, of all passages, I hope shortly we may find matters grow better, and indeed there is great need of it here, for at present we are out of joynt. Saturday last in the morning Information was given that one Mr. James Mitchel, who was alledged, to have shot at the A. B. of St. Andrews was discovered by and Sir William Sharp, and being seen to come down, Sir William's own Closie by Sir William and two of his Brother's footmen, he called to Mitchel, and carried him back to his bdsf (the Signes Office.) He had a long Pistoll and a long Sword about him, in Shirts and Stockings; and tho' he was so armed, yet he did not resist, tho' none came up to him but Sir William alone, till he came up his Stair; Being asked his name he denied it, and varied in several other of his Answers, and by Warrant of the Chancellour, was committed close Prisoner. This day he was examined by Order of Council, by the Chancellor, Register, Advocate and me; The Commissioner had ordered us to charge him with his being in the rebellion, and that he was excepted by name out of the Act of Indemnity, and so let him see his condition to be led to Execution; This was done very soon and against his next Examination he

" he confessed his being with the rebels, but deny'd this *Affassination* of the A. B. yet
" acknowledged his being in Town at that time, and that the Pistol he was taken
" with he had bought at that time: so it was moved by one That the Chappellor
" might take him apart to see what he would then say; This being done, upon
" Assurance of life, he fell upon his knees, and confessed it was He that shot the Bishop
" of Orkney, and which he aimed at the A. B. and here is his Confession, the Doc-
" ument of it signed by Him, the Chappellor and us, his Punishment it's thoughts, will be
" the loss of his right hand, and condemned to perpetual Imprisonment in the Baſt.
" I think, I told you before, that his Grace had retrenched his Allowance, to ten
" pound Sterling a day since the 20th, tho' his charge be little retrenched, for his
" Table holds yet 24 persons, I hope when matters are over, you will give us some
" Account, of his Majesties pleasure about the Miners Affairs, wherewith ye know
" their friends have been sufficiently reproached without any shadow of reason. And
" so my Good Lord Adieu.

Holy-rood-houſe 12 Febr. 1674.

This day Mr. Mitchel who affaffinated the A. B. of St. Andrews, was again
" examined in face of the Council, and said nothing but what he said to us
" of the Committee; he is remitted to the Justice Court, to receive his In-
" dement and sentence to have his right hand cut off at the Croſs of Edinburgb and the
" forſuſure of his whole goods and poſſeſſor, this left part is not to be put in execution
" till his Majelty be acquainted, because affurance of his life was given him upon his
" Confefſion. The cutting off this hand is to be execute be the hand of the Hangman.

The Depofition which is pretended to be contradictory to what is delivered here in
these two Letters, from whence Perjury is infer'd, you have already had in the 13.
page of the precedent Narrative, which I shall not trouble my ſelf or my Reader to repeat
once again here; but refer him thither for it.

But I cannot but take notice and not without wonder neither (which was also ob-
ſerv'd by his R. H. and the Lords of the Articles) under what a ſoft and gentle title
Mr. Noble, was pleafed to mention Mitchel, in the foregoing Accuſation [The
Detainted Mr. James Mitchel] scarce any one but he, ſurely would have thought
very unbecoming and improper for one that had been defernedly executed for a Traitor
and Aſſeffnor, who ought not to be fo much as thought on, much leſs mentioned
without horror and a just detracſion of his damnable crimes.

But to proceed, this Petition being ſear, the Lord Treasurer Depuſe defired that he
might have it delivered to him in conuenient form, and might have Liberty to put in
his Anſwer to it; and became further a humble and earnest Suitor to their Lordſhips
that he might be put to a Speedy Tryal, whereby he might make his Innoſcence appear
to the Parliamēt, and the whole world, which his R. H. and the Lords of the Articles
were pleafed to grant, not becauſe they found any thing in the accuſation relevant
againſt him, but that they might graſſe his Lordſhip's earnest deſire, of being put
upon his Tryal. Afterwards William Noble, was called in, who own'd his Accuſation,
and did again ſign it in preſence of his R. H. and Lords of the Articles, and being
asked by the Preſident of Parliamēt the Marquess of Aſboll, if he knew the Lord
Treasurer Depuſe, or was acquainted with him, he answer'd not; being then interrogated
how he came to accuſe his Lordſhip upon the head of Perjury, or whether it did
fall within his proper knowledge, or whether he did ever ſee the Lord Treasurer Depuſe.
Treasurer Depuſe; he replied no, but that he was ſo informed, and that he was im-
duced to do it as a member of Parliamēt and being thereupon asked who he received
his information from, he refuſed to make any reply to that question.

Prefently after this the Lord Halſet put in his anſwer, to the Information, exhibited
against him, which is as followeth.

Thereas it is repreſented, that Mr. James Mitchel in his Tryal, having
" alledged that his Execution was emitted upon affurance of life and hav-
" ing adduced the Treasurer Depuſe in witness in his Exemptions for
" proving the ſame, he deponed negatively, notwithstanding his letter under his
" hand to the Earl of Kincardine, the witness that he had confefſed upon Affurance of
" life, which he offers to prove by the Afforce Letter now produc'd, and aheſeſore
" concludes

" concludes that the *Treasurer Deputes* is guilty of *perjury* and ought to be declared *In-
famous and Subjected to other Legal penalties* there-*ancient*.

" It's *answared* that this *accusation* is neither *Relevants* nor *proven*, for as to the
" *Relevancy*, *Perjury* being a high *Crime* is not to be *presumed* against any man, much
" less a person of so high *Quality* and *Office*, except the *deeds* inferring the *Perjury*
" were of *Knowledge* and directly *contradictory*; And to infer *Perjury* must not only
" be *deposition*, contradicting another *deposition* which is upon the *Matter* *false*,
" because a man may *depone* an *Error*, *bona fide* through *forgetfulness*; but *Perjury*
" must be a *false deposition* against ones *Knowledge*: And so he must be *Sciens & volens*.
" So that two *Oaths* after the *interval* of four years (which is the *distance*, between the
" *Letter* and *deposition*) suppose they had *contradict*, yet in *Charity* (a person of
" *entire fame* might be excused from *Perjury*;) But where the *Contradiction* is only
" alledged, betwixt a *transient Missive Letter of News* and an *Oath* emitted four
" years after the *date* of the *Letter*, no *Rational* man can think that albeit *tho'* *they* did
" *contradict*, it could infer *Perjury* but only an *Error* or *mistake* in the *Missive Letter*,
" and the *writing* of a *Missive* upon *Mistake* or *design* *tho'* *it* were produced to a *party*
" when he is called to *depone*; if he were *convinced* that he had been *mistaken* in his
" *missive*, he *beleaved*, to *depone* according to his *knowldg*, and the *truth*, *tho'* *that* *con-
tradict* his *Letter*, which can never infer the least *infimation* of *Perjury*, suppose
" the *Letter* had been *obligatory* and *serious*; whereas this *Letter* was only an *overlie*
" *indigested* *accomp* of *News* and *unsubscibed*.

" 2. As the *Accusation* is no ways *relevant*, so it is not all *proven*; because both
" the *Letter*, and the *Oath* are *confisent*, in so far as *Mitchel* being examined before
" a *Committee* of the *Council* in the *Treasury Chamber*, he did deny the *attempt* of
" *assassinating* the *Primate*; but thereafter the *Chancellor* having retired with him
" to the *Council Chamber*, after a little time they did *return*, and *Mitchel* did *con-
fess* the *Attempt* before the *Committee* and *some* *days* after *reiterate* that *Confession* be-
" fore the *Council*; and it was *generally* *reported*, and until the *Chancellor* *deponed*
" the *contrary*, it was *universally* *believed* that the *Chancellor* had given him *assurance*
" of *life privately*; But it neither is *probable* that *Assurance* was *promised* by the *Com-
mittee* or *Council*, nor did *Mr. James Mitchel* assert it in his *Tryal*, and therefore
" the *Universal Report* that *Assurance* was given *privately* was a *sufficient* *foundation*
" for the *Treasurer Deputes* *Letter*; But when he came to be examined in the *Exa-
mination* whether he heard *assurance* given him, suppose he had all the *grounds* of *Cr-
edibility*, yet he could not *depone* that he *heard* *assurance* given, except he had been
" *Ear-witnes* to the *promise*; and by his *Letter* that appears *impossible*; for it bears,
" that it was *moved* that the *Chancellor* and *Mitchel* should *retire*, and *this* being done
" upon *Assurance* he *confessed*, so that the *Assurance* related in the *Letter*, was not
" given in the *Committee* or where the *Treasurer Deputes* was *present*, but where the
" *Chancellor* had *retired* with *Mitchel* in the *Council Chamber*; and the *Treasurer*
" *Deputes* is so *cautious* in his *Deposition* that he *refrains* it to *two* *precise* *times*, *viz.*
" when *Mitchel* *confessed* in the *Committee*, and when he *renewed* his *Confession* be-
" fore the *Council*, and he *depones* that being *present* at these *two* *times*, he *heard* nei-
" ther *assurance* *asked* nor *offered*; so that albeit, at *any* *other* *time* *assurance* had
" been *given* him, it doth not at all *contradict* the *Oath*; and it had been *Perjury*, if
" the *Treasurer Deputes* had *deponed* *Affirmatio*, *tho'* he had *heard* the *general* *Sur-
mise*, or *tho'* this *Letter* *written* upon the *faid* of that *Report* or *Rumor* had been
" in his *hand*. And in this *case* the *Treasurer Deputes* *Deposition* being a *concurring*
" *Testimony* with *Several* *other* *Persons* of the *greatest Eminency*, *Trust* and *Integrity*
" in this *Kingdom*, *some* *whereof* *deponed* in *relation* to their *proper* *fact* and *who*
" *were* *only pretended* to have given the *Assurance*, His *Oath* can never be *suspected*
" without the *greatest* *Reflection* upon the *considerablest* *part* of the *King's Principal*
" *Ministers*.

" *FROM* all *which* it is *evident* that this *Accusation* is a *most unjust, calumnious,*
" *and scandalous Libel* to which the *Accuser* hath been *bounded* out tending to *despoil*
" the *Confidence* of the *Leiges* and *Subjects* to his *Majesties Officers of state*, *and* *moreover*
" by *wounding* his *Majesties Authority*, and *Weakning* his *Government* by such *pre-
sumptuous Attempts* against his *Ministers*, and it is *bumbly* *hopd* and *expected* from
" his *R. H.* and the *Lords of the Articles*, That since the *Letter* founded upon *tho'*
" *not in the least* *infract* the *irrelevant* and *illegal Accusation* which is only *probable*
" *by*

" by writ, according to our Law, That therefore the Thesaurer Depuse may be vindicated and affoiled from this false and infamous Libell, and that the Calumniator may be punished by being declared infamous, and otherways in his Person and Goods, according to the demerit of his Crime, and to the Terror of others.

This Answer being given in by my Lord Halton, it was so full and clear, that unless some other trick, were found out, the Lords of the Articles could not but immediately proceed to give their Judgment in favour of his Lordship, Mr. Noble, therefore who had before restrain'd his proof of the Accusation to those two Letters written to my Lord of Kincardin, and to which the Answer refer'd, that he might buoy up his sinking cause, as long as he could, was pleased by a second Petition, to desire that Witneses might be Summoned in, and the Registers of the Council and Justice Court produced to prove the Contents of his accusation; And the Thesaurer Depuse still pressing for a fair Tryal, The Articles, before they would give Answer, allowed him to condescend upon all the Sederunts of Council, and all the members of Council at that time when Mitchel was examined at several Dyets, and craving further several other Witneses to be examined, and the said Registers to be produced, this being again considered by the Articles, The Treasurer Depuse begged leave to answer for himself, and for his Defence, said;

" 1. That in Law, no man's Letter can invalidate his Oath, even tho' it contradic his Oath, but that His Letters are consistent with his Oath, being diversly related, and to divers times and circumstancies.

" 2. That Nobles Accusation having restricted the manner of Proof to Halton's Letters only, He could not now resile from that, without giving in a new formal Accusation against him, And tho' the sense of his own Innocence, had induced him to pris a legal Tryal, yet he could not consent to suffer his Accuser to shift himself off, by proposing new and illegal Methods of Probation to procure delay.

" 3. That the Crime of Perjury could not be inferred but by Contradictory Oaths, which could not be alledged against him in this case.

" 4. That the Crime of Perjury by the Law of Scotland, was not probable, nor could be proven by Witneses; but by writ only, and that especially by Oaths contradicting one another.

" 5. That in this case his Oath did conclude that He did not hear Mitchel ask Assurance of Life, or any Person give it Him, and that therefore no Witnes could Swear, that Halton heard the Assurance given to Mitchel, unless his Ears had been fixed in that Witneses Brain, which is impossible, and unless they swore so, it would not prove this or any crime against him; and tho' it were possible to prove he heard assurance given, yet after so long time he might have forgot.

" 6. The Treasurer Depuse was a concurring Witnes with the late Chancellor, the late Marthered A. B. of St. Andrews, the Duke of Lauderdale, and the now Bishop of Edinburgh, and tho' Witneses were allowable in this case, as they were not, yet they cannot be led against these Persons deponing with him in Mitchel's Tryal, who are either dead or Absent; Besides that what they might be presumed to Swear be what it will, would rather rake into the Graves and Ashes of those Noble Persons, now Dead, than militate any thing against the Treasurer Depuse.

" 7. As to any Register craved to be produced, that can operate nothing, unless they contain Papers signed by the Treasurer Depuse, and must be Oaths Contradictory, and which ought particularly to be condescended upon, and are not so much as alledged and if they were, Mr. Noble may get extracts as other Subj. do. But however, He submitted himself to His R. H. and their Lordship's Determination.

Upon this His R. H. and the Lords of the Articles, having fully considered the Accusation and the Letter, upon which it is founded, and also the Lord Thesaurer Depuse's Answers and His Deposition, concurring with the Depositions of the Lord Chancellor, A. B. of St. Andrews, and Duke of Lauderdale, His R. H. was pleased to say in the Articles, that He did not see how He, being the King's Commissioner, could give way to any such Accusation against one of his Majesties Servants and Officers of State, or that any such master should come to a Tryal, unless it had been the Thesaurer Depuse's own earnest Desire. And that now their Lordships having seen and considered the whole matter, it was fit for them to consider what was to be done ~~upon~~ upon the Lords of the Articles Declared their sense of the Thesaurer Depuse's INNOCENCE in this Crime of which he was accused, and they did humbly offer to his

R. H. that He would be pleased to transmit the whole *Affair* to His Majesty and submit the same to His Royal Consideration, to the end His Majesty might Declare His Royal Pleasure, both for the Treasurer Depute's Vindication, and punishing the Accuser according to the *pains* usually by *Law* inflicted in such *cases*.

Having thus *clearly* and *shortly* stated the *Case*, as to the matter of *Fact*, with all the *concomitant* Circumstances, and also inserted the true *Copies* of all the *Papers* relating to this *Affair* (except one that follows) from Authentic Transcripts of the *Originals* and *Records*, it will not be improper in the next place, to make some *general* Remarks upon the *Accusation* it self. But before I proceed to that, it will be convenient to set down the *Copy* of *Mitchel's* two *Confessions*, because of the use I intend to make of them.

Edinburgh, 10 Febr. 1674.

In the Presence of the Lord Chancellor, the Lords Register, Advocate, and Treasurer Depute.

Mr. James Mitchel being called before the Committee and Examined as to his *Accusation*, to the *Rebellion* in the year 1666, acknowledges he was in that *Rebellion*, and joyned with them at the *Burgh* of *Air*, and stayed with them until the night before *Pentland*, at which time, at the *Desire* of Captain *Arnot*, he came into Edinburgh to speak with one Mr. James *Sterline*, and Mr. Robert *Ferguson*, and the *Laird* of *Penzerie*, who were then in Edinburgh, anent an *Address* to be given in to the *Council*, in behalf of those in the *Rebellion*, Declares he was in Edinburgh and stayed in the house of *Griffel Whytford* in the *Cannon Gate*, before he went out, and having notice from Col. *James Wallace*, Capt. *Arnot*, *John Lindsay*, and one *William Young*, from whom he brought a *Horse*, went out of Edinburgh, about eight a *Clock* at *Night*, and immediately rode towards *Air*, and joyn'd with those that were there in the *Rebellion*. Declares, that it was in the *House* of one *Widow Robison* in *Curries Close* that he spoke with *Penzerie*.

Sic Subscriptitur,

James Mitchel.

Rathes.

A. Primrose.

Jo. Nisbet.

Edinburgh, 10 Febr. 1674.

In Presence of the Lord Chancellor, Lords Register, Advocate and Treasurer Depute Mr. James Mitchel Prisoner being called did *steely* confess, He was the Person who shot the *Pistol* at the *Arch-Bishop* of *St. Andrews*, when the *Bishop* of *Orkney* was hurt thereby in the year 1668. And Depones upon Oath that no living Creature did *perswade* him to it, or was upon the knowledge of it.

Sic Subscriptitur,

James Mitchel.

Rathes.

A. Primrose.

Jo. Nisbet.

Chr. *Stair*land.

In the first place therefore it may be considered, that no man is obliged to *swear* more than falls within his own *knowledge*, and this *Examination* of *Mitchel's* before the *Privy Council* having preceded his *Criminal Proces* before the *Justice Court* at least four years, in which proces the *Treasurer Depute* was cited as a *Witness* for *Mitchel* in his *Exculpation*, it is no strange thing to see a man's *memory* fail him upon particular Circumstances and words, after so long an *Interval* of time, and all *Lawyers* allow *Quod Jurans falsum credens jurare verum excusat a Perjurio*, i. e. a man swearing a *thing* in it self *false*, which he really *believes* to be *true*, is excused from *Perjury*. Besides there is one very remarkable circumstance, not yet taken notice of, to demonstrate that the *Treasurer Depute* knew nothing of any *assurance*, or *promise* of *Life* alledged

alledged to have been given, for in Mitchel's first examination before the Committee, appointed by the Council, viz. the Lord Chancellor, the Lords Register, Advocate, and Treasurer Depute, wherein he acknowledges the Rebellion, and after which he acknowledged and confessed by falling down upon knees to the Lord Chancellor in the Council Chamber, That it was He who shot at the A. B. of St. Andrews (as He says) upon promise of life, altho the Treasurer Depute's name be marked in the Sederunt yet his subscription is not at that Paper, but only the Lord Chancellors, the Registers, and the Advocates, which must most infallibly prove that His Lordship was neither present nor heard him get such promise of Life.

It is true indeed, the Treasurer Depute in his Deposition, deposeth that he heard Mr. James Mitchel make that Confession wherein he owned himself to be the Person that shot at the Primate. That he saw him sign it, and that the Treasurer Depute signed it also himself. But then it is as true, that the Treasurer Depute came not into the Committee till after they had persuaded Mitchel to confess, and that then He sign'd his later confession about the Attempt upon the A. B. with the rest. For one of these two must needs be, That either the Treasurer Depute was not present when the assurance was given, (if any such thing was at all,) or else that his Confession, of his being at the Rebellion in 1666, and his Confession of Assassinating the Arch-Bishop were not both in one day, for this reason, because the Treasurer Depute, did subscribe that Confession relating to the Assassination of the Primate, and not the other, and it is notoriously known by all, that Mitchel was but once before the Committee, and that at that very time he made both these Confessions, as appears by the Dates, and unless the Treasurer Depute had been absent at the writing of the first Confession, he would certainly have sign'd it. And the Treasurer Depute's Deposition so exactly agreeing with the evidence of the Lord Chancellor, the A. B. of St. Andrews, and the Duke of Lauderdale, who were all three known to be men of great integrity and honesty, how is it possible his Lordship should have any remembrance of any Assurance given, when these Lordships deny'd upon Oath their knowldg of any such thing, two of which Lords are since dead.

As to the Letter upon which Mr. Nobles Accusation is founded, it is to be considered, that the Treasurer Depute writing (as appears by the Letter) to the Earl of Kincardin at the Command of the Duke of Lauderdale then the King's Commissioner, may very well be supposed that what He writes is not as from himself, but at the command of another; and nothing is more ordinary than for a man in a missive Letter to set down his own inclinations as a thing resolved upon, and it is very probable, that the Duke of Lauderdale, then the King's Commissioner, and most of the Privy Council had really an Intention to intercede with his Majesty for Mitchel's life, provided he would have made such discoveries, as would have deserved so great a favour, and that they were thinking privately among themselves, that his Punishment should be only the loss of his right hand, which is all that can be fairly drawn from the Treasurer Depute's letter, and it is a strange unheard of thing that a man should be thought guilty of Perjury, upon a seeming Contradiction betwixt a missive Letter of News, and when a man solemnly swears upon his Oath; And there want not Precedents before the Session in Civil Causes wherein the Lords have refused to admit, that a man's Letter contradicting his Deposition posterior to it, could infer Perjury against Him as in the Case of Mr. John Eclis of Elistoun against the Heirs of the Earl of Dirltoun, wherein the Lords ordained Letter to be cancelled, and that it was not relevant to countervail his Deposition. But in this case the Treasurer Depute's Letter and Oath are both consistent, and may be both very true; for not to urge any more, that his Lordship's Letter was written 4 years before he depos'd upon his Oath, and that no missive letter can countervail any man's Deposition especially when there is such a difference of time, betwixt them; 'tis manifest that the Treasurer Depute's Letter related only to what was reported to have passed betwixt the late Chancellor and Mitchel after the Chancellor took him apart from the Committee to the Council Chamber. And it is as evident, that his Oath and Deposition in Mitchel's Tryal, relate to what past in the Committee, after the Chancellor with Mitchel returned to them, and to what passed at the next meeting of Council, where the Duke of Lauderdale then Commissioner was present, and so consequently neither relate to one and the same thing, nor to one and the same time.

In the next place it may not be unworthy of consideration, That information being

ing given by some of the *Members* of the *Articles*; That Mr. *Noble*, had by the *Advice* of his *own* friends, without the *knowledg* of my Lord *Halton*, subscribed a *Paper* wherein he *renounced* and *retracted* his *Accusation*, and that he had shown the same to John *Campbell* of *Succoch* *Commissioner* for *Argyle-shire* after it was *subscribed* by *him* before *Witnesses*: He at first was pleased to think fit to *deny* it, but being *immediately* *Confronted* with the said Mr. *Campbell* before the *Articles* he then *confessed* He had shown that *Paper* *subscribed* by *him* to that *Gentleman*, by which a man may *easily* *conjecture* at the *Nature* of both his *Accusation* and *Accuser*.

But to draw to a period, as all I have already said has most *abundantly* *acquitted* my Lord *Halton* of the *guilt* of *Perjury*, so there is one thing still not altogether *unworthy* to be remarked which takes away all *Colour* and *Pretence* of any *Assurance* that was given *Mitchel* by *any one* whatsoever, so as to induce him to *confess*, for in the *very Confession* it self, *subscribed* with his *own* *hand*, and attested by the *Honourable* *Lords* of the *Committee*, it is said that He *confessed* his *design* to *murder* the A. B. *freely*; now if he did it *freely*, I would gladly be informed, how it could be omitted upon *promise* of *Pardon*, for I cannot apprehend that there is any *Difference* as to the *freedom*, between a *Confession* drawn from a man out of the *fear* of *death*, and that which is made upon *assurance* of *life*; if so, he could not be said *freely* to *confess*, which yet he *doth*, and that under his *own* *hand*, in the *most Solemn* manner *imaginable*, so that upon the *whole* *matter* it doth *evidently* appear that the *Assurance* of *life* was nothing *more* than *bare* and *groundless* *pretence*, whereby he thought either to *serve* his *neck* or at least to *excite* a *commiseration* in the *People* at the *hardness* of his *Case*; which might, if it happened to make *impression* upon them, create a *jealousie* and *heart-burning* in them towards the *Government*, and at all times serve to charge *injustice* and *partiality* upon the *Kings Ministers*.

And thus I have given a *full* and *clear* *Account* of all the *Proceedings* against the *Lord Treasurer Depute*, which I have rather chosen to place here by the way of *Appendix*, than, if it had come *timely* enough to my hands, to interrupt the *series* of the *preceding Narrative*, by a *story* of this *length*, and I question not but every *unprejudiced* *reader* will upon *serious* *consideration* of the *whole*, conclude with me, that never a *more groundless* *charge* was laid against *any man* than the *Lord Treasurer Depute* in the *foregoing Accusation*, of which he has *acquitted* himself with *success* *equall* with the *greatnes* of his *Innocence*, and that never *Tryal* was more *evenly* or *fairly* *managed* or *carry'd on* with *greater* *moderation* and *impartiality* than this of Mr. *Mitchel*'s of which you have had so *large* and so *faithful* a *Relation*.

F I N I S.

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